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THE SOCIAL CONTRACT

Vol. II, No. 3 Spring 1992

This Quarter's Theme:

Words, Symbols and Roadblocks
In the Immigration Debate

Featuring Articles by:

Roy Beck

Gerda Bikales

Elizabeth Koed

David North

PLUS
ESSAYS, OPINION PIECES, AND REPORTAGE ON:
assimilation, ecology, bilingual education, population growth, the proposed free trade agreement with Mexico, and the preservation of culture.

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A STATEMENT OF PURPOSE

Just over two decades ago, concern over rapidly growing human population led to the development of the so-called "population movement" aimed at reducing the rate of population growth, both at home and abroad. At home, for a variety of reasons, birth rates fell sharply to sub-replacement levels. Immigration, however, grew steadily due, in significant measure, to the burgeoning population overseas. Today, human numbers world wide expand at about 10,000 per hour, a quarter of a million each day.

The combined circumstances of low birth rates and high immigration pressures pose for all the developed countries the three most fundamental questions of immigration policy:

1. Of the many millions who would like to come, how many shall we admit?
2. Who will be chosen to immigrate, and what should the criteria be for choosing?
3. How shall we enforce the rules we decide upon?

THE SOCIAL CONTRACT seeks to explore and illuminate these questions, by publishing new material, and also by pulling together and reprinting existing works from many now-scattered sources. Our hope is to provide a periodical devoted to the inter-related topics of:

— **Human population** questions, including its absolute size, rate of growth, and distribution. In nations with low natural increase and high immigration, the latter is a significant component of population growth. (In an ideal world, policy on immigrant numbers would derive in large measure from an overall policy on population size.)
— **Immigration** policy, especially as it relates to the three basic policy questions mentioned above: how many, who, and how?
— **Language, assimilation, and national unity** considerations, which in large measure derive from and are driven by immigration and assimilation policies.
— **The balance of individual rights and civic responsibilities**, since, as with many issues today, population, immigration and language questions are often framed in terms of 'rights.' What is the proper balance of individual and community rights and interests?

Our method for approaching these connected issues is the time-honored concept of "The Social Contract." Most great public issues are at bottom moral and ethical ones: What is the right thing to do? How do we decide what we think is right? When 'rights' collide, which ones shall take precedence? The discipline of thinking through these issues in terms of a Social Contract allows one to achieve a balance: of individual and community interests; of the short and the long term; and of utopian idealism and the realities of the world we live in.

But most importantly, THE SOCIAL CONTRACT is not a detached forum for discussion in some backwater of life. Our issues are all in the forefront of public policy discussions in the United States, which is our primary focus. Our Associate Editors are drawn from many of the main organizations trying to influence the course of policy in the issue areas we have chosen. Our journal is one of the tools they use to raise questions, debate themes, and communicate ideas, to encourage vigorous public debate and subsequent changes in our laws and public policies.

We invite you to take part in this Great Debate by reading and contributing to THE SOCIAL CONTRACT.

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THE SOCIAL CONTRACT

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EDITOR AND PUBLISHER

JOHN TANTON
Petoskey, Michigan

MANAGING EDITOR

ROBERT KYSER
Petoskey, Michigan

WASHINGTON EDITOR

ROY BECK
1666 Connecticut Ave., NW, Room 410
Washington, D.C. 20009
Telephone (202) 265-1179

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IMAGES, PEJORATIVES, AND CONNECTIONS

Editorial

In this issue of *The Social Contract*, we are pleased to present original material on the symbolism of the Statue of Liberty and its relationship to Emma Lazarus' famous poem; on the use of language in the immigration debate; and on the oft-overlooked connection between population, immigration, naturalization, and the demand for bilingual education and bilingual ballots.

Elizabeth Koed once again graces our pages with her essay entitled, "A Symbol Transformed: How 'Liberty Enlightening the World' became 'The Mother of Exiles,'" in which she tells the story of how Emma Lazarus' poem came to be attached to the Statue of Liberty and how this changed its symbolism. Lazarus' poem is arguably one of the most politically potent documents ever written in North America, given its direct effect on immigration policy, and in turn the role of immigration policy as the de facto population policy of the United States. Her poem gives meaning to Shelley's dictum that "poets are the unacknowledged legislators of the world."

Next, our Washington editor Roy Beck looks at the use of the pejorative "xenophobic" as a way to tilt the immigration discussion. Such terms are often used as "motions for cloture" — that is, as ways to choke off debate. There is a cluster of seldom-defined words often used in this fashion: racist, nativist, nationalism, jingoism. They're used to pigeon-hole people and their ideas, and to avoid analysis on the merits. We plan to pursue this line of investigation in future issues.

Then we offer Gerda Bikales's testimony on the proposed renewal of the bilingual ballot provisions of the Voting Rights Act. Among other things, she asks the Judiciary Committee to make the connection between immigration policy and the language standards for naturalization, both of which are under the jurisdiction of this same committee, and the subsequent pleas for bilingual ballots on behalf of newly naturalized immigrants. We feel that naturalized citizens, who have presumably been examined on their language skills, should be able to read English well enough to vote in the language of their adopted country. Later this year, the Bilingual Education Act is also up for renewal.

Are there any connections between the demands for bilingual education and bilingual ballots on the one hand, and immigration and naturalization policy on the other? They seem obvious to this writer, but these topics are treated by Congress as completely isolated and unrelated.

Next, I think you will find of interest David North's "Democratic Governments: Why They Cannot Cope With Illegal Immigration," published here for the first time in English. Can we break through the barriers he sees without a heightened ethnocentrism, to use North's word? North would be loath to see this, but it's likely to come if the issues are not soon addressed — witness the recent election in France.

We wrap up this quarter's feature section with Wade Graham's second article for us, "Mex-Eco?: Mexican Attitudes on the Environment." This is an important issue depending on whether Linda Chavez (see my review of her book, *Out of the Barrio*) is right that Mexican newcomers are assimilating well to our values, or whether Timothy Matovina (see his "Hispanic Catholics in the U.S.: No Melting Pot in Sight") is closer to the mark. These two pieces follow Graham's article.

In addition we have our usual eclectic collection of reprinted materials which we hope will round out this issue and make it useful to our co-workers on immigration policy in Europe and Australia, as well as in North America.

John H. Tanton
Editor and Publisher

[Note: We are pleased to report that our last edition's editorial appeared as an op-ed piece in the *Christian Science Monitor* on April 17, 1992, page 19, under the title, "End of the Migration Era."]

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Letters to the Editor

Editor:

The fall issue of *The Social Contract* is excellent. I confess I was a little surprised by the opening sentence of your statement of purpose, which placed the origins of the population movement at just over two decades ago. I have on my bookshelves books published on the population issue in 1948 by William Vogt, Fairfield Osborn and Robert C. Cook.

I put Vogt on the platform at a meeting on natural resources which I organized while still an official of the CIO to discuss the population issue. His audience was composed of public officials and liberal representatives of organizations indisposed to think there was a population problem.

Vogt became chairman of Planned Parenthood-World Population in the late 1960s and served in that capacity until the family planners ousted the population people.

Hugh Moore was another member of our group. He financed much of the work of the Population Reference Bureau, which Bob Cook has resuscitated, beginning around 1948. Cook and he coined the expression "the population explosion," which preceded "the population bomb" by some twenty years.

You can even go back further than that to the organization of the Population Reference Bureau in 1929. I also have on my shelf Margaret Sanger's *My Fight for Birth Control* published in 1931, which shows that at that time the birth control people were concerned with population stabilization, and not merely voluntary parenthood.

Again, I think *The Social Contract* is invaluable. Keep up the good work.

Anthony Wayne Smith
Attorney at Law
District of Columbia and New York

[Editors note: Since receiving this letter we have been advised that Mr. Smith died on Feb. 29, 1992.]

* * *

Editor:

After reading Leon Bouvier's *Fifty Million Californians?*, and the condensation of it in the January 1992 *Social Contract*, I wondered in what section of the library this book will be placed in the year 2020: fiction or non-fiction?

This book is much more frightening than any works of Stephen King because *Fifty Million Californians?* has a real possibility of coming true. Therefore, those of us who are concerned about the overpopulation problem in California must become even more zealous in our goal of recruiting more activists to champion this cause.

All inputs into the population growth rate are of great concern. However, to change family traditions, religious beliefs and fertility rates in the world takes time, education and dedication — more time than I have. Therefore, the input that I am most concerned with is immigration. The immigration portion can be changed immediately with the enforcement of existing laws and a will on the part of our elected officials to do what the majority of the people in the state want done: *No illegal immigration, and a reasonable ceiling on legal immigration.* The average citizen realizes that we cannot be the "911" or the escape valve for the world. Most people also realize that with close to 6 billion people in the world (and growing), it would be unrealistic to think there will not be economic want, natural disaster, or war somewhere in the world. Our world will continue to create refugees. Can California be the resettlement zone?

It is not an important factor as to where immigration comes from. All people basically need the same things — jobs, education, health care, affordable housing, clean air, water, etc. All of the above are already in desperately short supply in 1991. Human beings cause problems for the resources, infrastructure, and environment of this state. Immigrants, like permanent residents, have neither a monopoly on, or immunity from, creating more problems. If the average illegal aliens are age 15, it is logical to assume they are *en route* to the job market, housing market, maternity wards and our clogged freeways. Does anyone consider this a benefit to California?

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This is not a partisan issue. Both the Democratic and the Republican parties should bow their heads in shame because of their lack of concern for our borders. It is not only our sovereign right, but it is the will of the majority of the American people, as poll after poll has shown, to maintain them. The "immigration" question should be asked of everyone in or running for public office, and we should all vote accordingly.

We have not been able to get realistic thinking into the heads of our elected officials, but maybe now the timing is right. We may be able to get into their minds through their (i.e. *our*) billfolds. Money is a rare commodity in California's state government and the cost of operating this state must get a serious examination. Leon Bouvier, Governor Wilson and the Federation for American Immigration Reform (FAIR) have started a much-needed dialogue that will not go away. Budgets need to be justified and passed with all media and voters watching.

If immigration laws and policies are made and enforced with our nation's best interests at heart, and family planning is made available and affordable, we may be able to place *Fifty Million Californians?* in the fiction section. No one would be more pleased than Leon Bouvier to find that, because his book made us more aware of the danger, we may have proved his projections wrong.

Helen Graham
State Program Director
Federation for American Immigration Reform
Sacramento, CA

* * *

Editor:

Thank you for the winter issue of *The Social Contract*. I read with interest the numerous articles by representatives from many countries concerning the issue of immigration as a cause of burdensome overpopulation in the developed countries. Implicit in the article by Roy Beck, regarding U.S. population growth, is the concept that quality of life is significantly influenced by the fertility rate among Americans.

As our socio-economic state of affairs continues to change, so too, does the family size. For those entering the U.S. from underdeveloped, poverty-stricken, third world countries where over-population is a way of life, the concept of limited population growth carries no significant meaning. Hence, Bouvier's insightful study, which revealed that the majority of the U.S.'s population growth is a result of the reproductive rate of immigrants and their descendants is not particularly surprising.

I am pleased that there is such a well-organized group of socially conscious and academically proficient individuals working to heighten awareness of this sensitive moral issue.

In contradistinction to Garrett Hardin's thesis that "there is no technical solution to the problem," I feel that the immigration issue eventually can be dealt with in a morally correct and technically efficient fashion. In this era of political correctness, our government has obviously been listless in dealing with this problem. Nevertheless, the existence of illegal aliens in the United States must not be considered a *fait accompli*; we must not, in Hardin's words, "increase our herd without limit in a world that is limited."

Kenneth B. Gum, M.D.
Traverse City, Michigan

* * *

Addenda

to the Winter 1991-92 Issue

The article by Dr. Vernon M. Briggs, Jr., "The Mexico Free Trade Agreement: An Idea Whose Time Has Not Yet Come," appeared in the proceedings of the 1991 Annual National Legal Conference on Immigration and Refugee Policy, *In Defense of the Alien*, Volume XIV, (Staten Island, N.Y.: The Center for Migration Studies, 1992, pp. 63-70; Lydio Tomasi, Editor.

Also, we incorrectly referred to Dr. Jack Parsons as Senior Lecturer in Sociology at Cardiff University, Wales. He is a Senior Lecturer in Population Studies.

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Elizabeth Koed is working on her Ph.D. at the University of California - Santa Barbara. Her essay on the predictions of disaster if cheap labor sources were lost — slaves in the era of the Civil War and, later, child labor — appeared in our Spring 1991 issue.

A SYMBOL TRANSFORMED:
HOW 'LIBERTY ENLIGHTENING THE WORLD' BECAME 'THE MOTHER OF EXILES'

By Elizabeth Koed

The question is to elevate in commemoration of the glorious anniversary an exceptional monument. In the middle of the New-York harbour, on a little Island belonging to the Union, facing Long Island where the first blood has been shed for the Independence, will be raised a colossal statue, showing its grand figure in the space, horizoned by the large cities of New-York, Jersey City and Brooklyn. At the entrance of that vast continent, full of new life, where ships meet from all points of the world, it will look as springing from the bosom of the deep representing: Liberty Enlightening the World.[1]

The Statue of Liberty as the "Mother of Exiles" beckoning the "huddled masses yearning to breathe free" is a symbol so firmly entrenched in American mythology that few question how that symbol was born. When French sculptor Frederic-Auguste Bartholdi assembled his 152-foot statue atop a pedestal on small Bedloe's Island in 1886, however, the symbol we so readily acknowledge today did not exist. Rather, this gift from the French nation celebrated the successful American experiment in republicanism. It was a gesture of friendship and alliance. It commemorated the ties that bound the two nations together as they strove to achieve their goals of liberty and equality. But over *Liberty*'s first century, this original intent has been transformed into quite a different symbol. Although attributed to the familiar sonnet by Emma Lazarus, the "Mother of Exiles" symbol has been largely the product of, first, coincidence, and then of many decades of gradual incorporation as the statue became a familiar image that could be used for many purposes. The symbol has strayed far from the original idea. As historian David McCullough explained, "The idea, of course, is liberty, and liberty is what we Americans have always wanted first of all. It was what the Revolution was fought for, what the country was founded for. 'Hail, Liberty!' was the cry on the day the statue was unveiled." Unfortunately, by the time *Liberty* turned 100 those lofty ideals were all but lost, replaced in the ceremonial pomp by glitzy tributes to America's immigrant population and the "golden doors." Despite the commendable achievements of so many immigrants, the original idea of *Liberty Enlightening the World* should not be forgotten.[2]

"Although attributed to the familiar sonnet by Emma Lazarus, the 'Mother of Exiles' symbol has been largely the product of, first, coincidence, and then of many decades of gradual incorporation..."

During America's struggle for independence, France had been a staunch ally. French funding, ships, armaments, and military know-how aided the colonial rebellion. The Marquis de Lafayette, celebrated French general, became an American hero and confidante to George Washington. In turn, the American experiment served as inspiration to eighteenth- and nineteenth-century French republicans on their own quest for a more democratic government. "The Frenchmen who fought in the United States spilled their blood for the principles they hoped to see prevail in France..." said Edouard-Rene Lefebvre de Laboulaye, the man who became *Liberty*'s patron. "In that struggle for independence [there was] a fraternity of feelings, a community of efforts and of emotions, and when hearts have beaten together, something always remains among nations as among individuals." In the years leading to *Liberty*'s

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creation, war tested the shared goals and ideals of both nations. This monument was "born out of the despair of two of the most devastating conflicts of the mid-nineteenth century:" wrote Christian Blanchet and Bertrand Dard in *Statue of Liberty: The First Hundred Years*, "the American Civil War and the Franco-Prussian War."[3]

A group of elite French republicans conceived the idea of a monument to liberty in 1865, when the United States was emerging from its bloodiest conflict that cost over 600,000 American lives. The very fact that there was *a* United States that year could be seen as a triumph for republicanism everywhere. By 1870 France's Emperor Napoleon III had taken his nation into war with the newly unified and powerful Prussia. Not the military genius his namesake had been, he led France to a devastating loss. With Napoleon exiled in 1871, France began its tenth governmental change in little over a half century, beginning yet another stage of its own republican experiment. French republicans hoped at last to secure a democratic government in France, driven by the example of the United States which had not only wrenched itself from British control, but established a republican government that survived a divisive and violent war.

"[It] is certainly here that my statue must rise; here where people get their first view of the New World, and where liberty casts her rays on both worlds." — Bartholdi

---

One Frenchman thoroughly committed to following the American example was Laboulaye, professor of law, historian, and defender of democracy in France. He was fascinated by the United States and had written many works about its history and heroes, as well as an in-depth analysis of the constitutional system. As French republicans gathered around him to plan their own future actions, the U.S. dominated their discussions. At a fateful dinner party at his Versailles home, Laboulaye suggested a monument to celebrate the independence America had fought so hard to win, a gift to be presented to the U.S. at age 100. Among the guests at that dinner party was a young French sculptor, a man already obsessed with monuments of colossal size, Frederic-Auguste Bartholdi.[4]

No immediate action followed the dinner. Events in France proved to be more urgent for the French patriots. Bartholdi served in the military, and Laboulaye turned back to politics and law. With the end of the war, however, both were ready to see their idea come to fruition, and France's new Third Republic infused the project with a heightened sense of urgency and patriotism. The time was perfect to strengthen ties with the U.S., and so *Liberty* could also serve political purposes. As John Russell pointed out in *Smithsonian*, the "funding and building of the statue...were not so much a matter of warmhearted charitable activity as of political maneuvers in which timing was paramount." This monument "would commemorate the completion of a hundred years of American freedom," Bartholdi wrote Laboulaye, "but it would also celebrate Franco-American friendship and the common values of both republics....The monument would be called *Liberty Enlightening the World*."

Laboulaye was largely responsible for the idea of the monument, but Bartholdi was the man behind the design. He had visited the great pyramids of Egypt, studied the legend of the Colossus at Rhodes, and marveled at the technology involved in the excavation of the Suez Canal. His fascination for large-scale works was complemented by the late nineteenth-century obsession with huge structures built through the magic of modern technology — massive railway networks, the Suez and Panama canals, and the Brooklyn Bridge. Bartholdi wrote his friend and patron on May 8, 1871, that he intended to visit America to pursue their shared dream. "I will try especially to glorify the Republic and Liberty over there," he wrote Laboulaye, "hoping that I will one day find them back here, if possible."[5]

So, armed with letters of introduction, Bartholdi embarked on a nation-wide tour of the U.S., meeting such luminaries as President Ulysses S. Grant and Henry Wadsworth Longfellow. His trip had two purposes: to drum up support for the monument, and to find a site. In fulfilling the latter goal, no aspect of his trip proved as important as the landing. When he sailed into the busy harbor of New York City, crowded with steamships and trading vessels, Bartholdi was immediately convinced that he had found *Liberty*'s home. It "is certainly here that my

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statue must rise;" he wrote Laboulaye, "here where people get their first view of the New World, and where liberty casts her rays on both worlds." His artist's eye had spotted tiny Bedloe's island, an old fort at the mouth of the straights leading into the harbor. "The island belongs to the government;" he continued, "it's on national territory, belongs to all the States, just opposite the Narrows, which are, so to speak, the gateway to America." There could be no better situation than this busy harbor for *Liberty*, for nowhere else could it be seen by so many people.[6]

It took fifteen long years for Bartholdi's dream to be realized. In France the project was hindered by political turmoil, funding problems, and the practicalities of design. (Bartholdi's sculpture would be held up by an ingenious skeleton created by Gustave Eiffel.) By 1884, nearly twenty years after that dinner party at Versailles, *Liberty* was completed and ready for shipment to her new home. America, bogged down in its own funding problems, delayed her departure for another two years. Finally, on October 28, 1886, *Liberty Enlightening the World*, meticulously designed and built, took up her new home on Bedloe's Island in the midst of great pomp and ceremony.

"It would not take long, however, for Liberty Enlightening the World to take on a new meaning that would slowly gain official sanction."

The inauguration, held in fog so dense that *Liberty* could barely be seen, was elaborate and formal. Thousands of people streamed through New York's streets seeking the proper vantage point. Beginning in Madison Square, the official procession that took hours eventually landed on Bedloe's island, at the foot of the new colossus. President Grover Cleveland hosted a French delegation. Speaker after speaker rose to honor the new lady of the harbor. As cannons blasted and sirens screamed, they shouted to be heard over the roar. Cleveland accepted the statue on behalf of the American people, while Albert LeFaivre, Consul-General of France in New York, spoke for his nation. The commemorative address came from popular politician and businessman Chauncey M. Depew. "We dedicate this statue to the friendship of nations and the peace of the world...," Depew told his distinguished audience. "To-day, in the gift of the one, and the acceptance by the other, of this colossal statue, the people of the two countries celebrate their unity in republican institutions, in government founded upon the American idea, and in their devotion to liberty." It was a tremendous day — a celebration of liberty beyond anything seen before. These two great nations had cooperated to make a symbolic gesture that would tie them even more closely together. All those present, including honored guest Bartholdi, understood the meaning of the event, and hailed liberty.[7]

It would not take long, however, for *Liberty Enlightening the World* to take on a new meaning that would slowly gain official sanction. Eventually, it would all but erase Bartholdi's and Laboulaye's original intent. Surprisingly, the new symbol of the "Mother of Exiles," so taken for granted now, resulted from a mere accident of propinquity. As Cleveland and Depew accepted the magnificent gift, another smaller, and yet more consequential, drama was being played out at *Liberty*'s feet. Unseen and unheard by the day's illustrious speakers, there passed a steamship loaded down with the newest batch of European immigrants. "From her decks," editorialized *The New York Herald*, "the eyes of the strangers were fixed upon the wonderful drama in progress before them...they saw before them the mighty figure of Liberty." As newcomers streamed through America's busiest harbor, past *Liberty*'s location, the symbol of *Liberty Enlightening the World* slowly transformed into the "Mother of Exiles." Although the statue received scant attention for the next few years, it "did have a powerful future ahead of it," Blanchet and Dard explained in *Statue of Liberty*, "mainly because of its location.... [Bartholdi] had placed it at the very focal point of one of the greatest of those transforming forces that swept over the late nineteenth-century world — immigration."[8]

America entered a period of immigration of unprecedented scale in the 1880s. In the first half of the nineteenth century, five million Europeans came to America, mostly from Ireland and Germany. After the Civil War those numbers expanded, and the ethnicity changed as well. The "new immigrant" of

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the 1880s and 1890s was more likely to be from Southern Europe, of Italian, Jewish, or Slavic descent. In 1881 the numbers entering the U.S. reached 669,000; in 1882 the numbers climbed to 788,000. By 1905, the yearly influx passed the one million mark. Of the millions of new Americans, most of them entered the U.S. through that busy New York harbor.[9]

In an attempt to accommodate the vast numbers, the federal government turned *Liberty*'s neighbor, Ellis Island, into the official immigration inspection station in 1892. New York had long been the most common site of arrival. Its enlarging industrial endeavors promised jobs — relatives and friends began seeking each other out to settle among familiar faces. For the millions of immigrants entering the U.S. via Ellis Island, their first sight of America, and all that it promised, was *Liberty*. Standing 305 feet high at the mouth of the harbor, she could be seen for miles. For ocean-weary travelers, and especially those in steerage, *Liberty* meant a long-awaited end to a difficult and sometimes dangerous crossing. For millions of immigrants, the sight of *Liberty* meant a new land, a new home, a new opportunity. "For such people," wrote Oscar Handlin, "Liberty was not an abstraction, it was the life-giving shelter that gave them air to breathe."[10]

This popular interpretation of *Liberty* was unintentional. It was a product of coincidence and location, not of design. No one involved in the original plan could have foreseen such an event. "Neither Bartholdi nor Laboulaye had ever suggested associating the statue with the American promise of new life for the downtrodden of the earth," wrote Blanchet and Dard. It became a symbol, albeit a powerful symbol, that emerged from a simple accident of location. Had Bartholdi placed his monument in Philadelphia, as he threatened to do once when frustrated with the slowness of New York's fund-raising campaign, *Liberty*'s history might have been very different indeed. Nevertheless, he chose Bedloe's Island. The closeness to Ellis Island gradually changed *Liberty Enlightening the World* into the "Mother of Exiles," but any official connection was slow in coming. "Only after the turn of the century was the connection established," wrote Oscar Handlin, "between the monument and the massive flow of immigrants who landed at nearby Ellis Island." In 1903 a small plaque was placed inside the pedestal. This gesture, carried through by private funds and efforts, accompanied by no ceremony or publicity, would eventually give the statue a voice — one provided by a young Jewish-American poet named Emma Lazarus. Even this important step in the transformation of *Liberty*'s symbol was the product of coincidental timing more than anything else. As explained in *American Heritage* in 1966: "Had Czar Alexander II not been assassinated by Russian revolutionaries in 1881, the Statue of Liberty might have meant something quite different from what it actually has signified to the world in the...years since its dedication."[11]

"In 1903 a small plaque was placed inside the pedestal. This gesture...would eventually give the statue a voice — one provided by a young Jewish-American poet named Emma Lazarus."

Many artists decided to contribute to the campaign to raise money to build *Liberty*'s pedestal in 1883. Manuscripts were received from such literary giants as Mark Twain and Walt Whitman, to be auctioned off at a fund-raising event. Lazarus, budding poet and one-time protege of Ralph Waldo Emerson, agreed to join the effort with a sonnet of her own.

Lazarus was a Sephardic Jew from a wealthy New York family. Despite her Jewish heritage, she had remained uncommitted religiously in her early years. "I shall always be loyal to my race," she said, "but I feel no religious fervor in my soul." She also had no commitment to politics. Her passion, from an early age, was poetry. But in the 1880s, events across the Atlantic shook her indifference. "The shock of remote events in Russia," explained Oscar Handlin, "had broken the crust of genteel sentiment that until then had guarded the sheltered young woman's emotions." The Russian pogroms that followed the assassination of Alexander II moved Lazarus to political and religious activism. Becoming involved in the New York Jewish community, she aided refugees and supported the small but growing Zionist movement. Her *Songs of a Semite* brought a new voice to her poetry, leaving behind the flowery

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romanticism of her youthful verse. Her new religious conviction, and the painful sight of persecuted Jews seeking asylum, prompted Lazarus to pen "The New Colossus."[12]

Not like the brazen giant of Greek fame,
With conquering limbs astride from land to land;
Here at our sea-washed, sunset gates shall stand
A mighty woman with a torch, whose flame
Is the imprisoned lightening, and her name
Mother of Exiles. From her beacon-hand
Glows world-wide welcome; her mild eyes command
The air-bridged harbor that twin cities frame.

"Keep, ancient lands, your storied pomp!" cries she
With silent lips. "Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tost to me.
I lift my lamp beside the golden door!"

"The words breathed passion," wrote Handlin. "The message was direct. Liberty's name was Mother of Exiles...." Lazarus responded to a specific and personal cause, but the linking of *Liberty* with refugees and immigrants expressed a concern that would be echoed many times in the years to come.[13]

No one noticed the sonnet at the time. It was never mentioned at the inauguration, never printed in the press reports. James Russell Lowell commented to Lazarus that her sonnet gave the monument its *raison d'etre*, but no one else seemed to take it seriously. She offered the emotional verse as a token of respect and sympathy for the plight of Russian Jews, but the "Mother of Exiles" so gracefully described in "The New Colossus" was not on the minds of the celebrants, nor on the lips of New Yorkers in 1886. Lazarus herself was in Paris when the statue was unveiled, and when she returned home the next year she was too ill with cancer to give it any attention. She died that year. Had it not been for the fond gesture of a friend, paying homage to a poet whose creativity was cut so short, the sonnet no doubt would have died with its author.

For nearly two decades Lazarus' poem remained in obscurity. Her reputation, growing at the time of her death, suffered its own demise. But the times were changing, and impersonal events and haphazard forces have their own way of shaping history. Prompted by the opening of Ellis Island in 1892, combined with the massive immigration around the turn of the century, "The New Colossus" saw a rebirth in 1903. It was Georgina Schuyler, a friend of Lazarus, who gave legitimacy to *Liberty*'s changed role as a new symbol. It was merely a gesture of friendship, not of politics or of any great commitment to America's "golden doors." Through private efforts, Schuyler arranged to have a small plaque, engraved with the sonnet, placed inside the pedestal. It was done quietly with no ceremony. The press ignored it. And yet, this trivial act by one patron of art shaped *Liberty*'s future as much as if a public proclamation had been issued. With Lazarus' poem tucked away inside the pedestal where thousands of tourists, many of them immigrants, could read it, the "Mother of Exiles" symbol grew. As Blanchet and Dard explained, "the poem took hold. Reprinted, anthologized, assigned to students, the sonnet gradually became as familiar as the statue itself and has remained so."[14]

The timing was perfect, although not deliberate. Lazarus wrote her sonnet out of sympathy for Russian Jews, but millions of immigrants subsequently found comfort in those words. As Hertha Pauli and E.B. Ashton explained in *I Lift My Lamp: The Way of a Symbol*, Lazarus' sonnet "had become truth." With each passing decade, the "Mother of Exiles" symbol increasingly overshadowed the original idea of *Liberty Enlightening the World*.[15]

As *Liberty* entered this new stage of her career, many forces worked toward making the new symbol an indelible part of American myth and memory. During the first decade and a half of the twentieth century, an average of one million people a year entered the U.S., three-fourths of them through Ellis Island. These large numbers spurred concerns over assimilation and Americanization in reasonable people, and feelings of nativist hatred in the extremists. *Liberty*, more and more, became a symbol of tolerance and welcome to the newcomers. World War I brought her image home to all Americans, even those who had never been to New York City, when she became the symbol of the Liberty Bond.

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The statue soon became one of the most recognizable sights in the world. In 1924 the twelve-acre island and the statue became a national monument. During the 1920s and 1930s it gained new significance as journalists and politicians called for tolerance and rejection of extremist forces. Popular journalist Louis Adamic, himself an immigrant from Yugoslavia, frequently invoked this image. "I am an ex-alien who became an American citizen...," he wrote in *My America*. "I represent no one and nothing — except, I hope, a certain emotion for this land of my adoption which is an amalgam of love and hope....In a way perhaps this emotion is a logical extension and revision of the feeling and thought expressed in the inscription of the Statue of Liberty."[16] As the statue's fiftieth year approached, many Americans began to assess *Liberty*'s place in their nation's history and memory. L.H. Robbins wrote in the *New York Times* of the many momentous sights *Liberty* had witnessed. "If she...had a tongue what she could tell!" This prompted an editorial from a fellow New Yorker who explained that *Liberty* could speak, for Emma Lazarus "did give tongue to the statue in 'The New Colossus.'"[17]

"...while keeping an eye on original intent, Roosevelt's speech at Liberty's [50th] birthday celebration addressed other political problems, particularly the need for peace.... [He] also gave the first presidential recognition to the 'Mother of Exiles.'"

Liberty marked her fiftieth birthday in 1936, a time of national and international crisis. Immigration, curtailed in 1924, had all but ceased during the Great Depression, but the new symbol was quickly co-opted for another cause. A new crisis had arisen. Hitler's anti-Semitic policies greatly multiplied the numbers of refugees seeking asylum. The liberal press seized the "Mother of Exiles" symbol as a means of criticizing the Roosevelt administration's refugee policy. In one such criticism printed in *The New Republic* and entitled "Mother of Exiles," it can be seen how far the transformation had progressed. "No doubt," James Benet wrote of the crowd gathered at the birthday celebration, "it is thinking of Thomas Jefferson's remarks about the particular liberty to which this statue is dedicated, the freedom of asylum...." How can Roosevelt discuss ideals of liberty, asked Benet, when so many of Hitler's expulsed victims were being denied a new home in America. Why were the "golden doors" not opened wide to accept the refugees?[18]

In October of 1936, just a few days before an important election, Roosevelt was treading delicate ground. Trying to stave off such criticism from the Left while seeking solutions to the growing refugee crisis, he also had to juggle the complaints of disaffected Democrats like Al Smith and business tycoons like John Raskob who created the American Liberty League. In the void of the beaten and leaderless Republican party, the Liberty League became one focus of heated anti-New Deal rhetoric. The League's complaints also brought new connotations to "liberty" — freedom from regulation, from government intervention, and from the encroaching welfare state — that Roosevelt, as presidential candidate, was careful to avoid. Speeches about the lofty ideals of liberty became political mine fields. Instead, while keeping an eye on original intent, Roosevelt's speech at *Liberty*'s birthday celebration addressed other political problems, particularly the need for peace. "Today the symbolism should be broadened," Roosevelt said. "To the message of liberty which America sends to all the world must be added her message of peace." Probably seeking safe political ground, Roosevelt also gave the first presidential recognition to the "Mother of Exiles."

> *Perhaps Providence did prepare this American continent to be a place of the second chance. Certainly, millions of men and women have made it that....The immigrants brought to us strength and moral fiber developed in a civilization centuries old but fired anew by the dream of a better life in America....They adopted this homeland because in this land they found a home in which the things they most desired could be theirs — freedom of opportunity, freedom of thought, freedom to worship God. Here they found life because here there was freedom to live.*[19]

Roosevelt eloquently incorporated all of

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Liberty's symbols, intended and unintended. He "took a long view of the significance of the statue," explained Oscar Handlin, "and, though an amateur, he was enough of an historian to appreciate its place in the national past, its possible meaning for the future." *The New Republic* was less charitable to Roosevelt's remarks at the time, criticizing him for avoiding the central issue of refugees, complaining that the speech, although discussing immigration, was just "hope, symbols, faith, concerning liberty." And yet, this was a transitional moment in *Liberty*'s career. While still expressing Bartholdi's original idea, Roosevelt summed up the popular image that had been developing since that shipload of immigrants sailed past the statue on her very first day.[20]

"The 1950s proved to the the most important decade for the emergence of the 'Mother of Exiles' symbol, and once again important developments came about by accident or inconvenience rather than through the driving force of ideology."

During the 1940s Roosevelt's and America's attention were turned to another European war — a far more pressing matter than *Liberty*'s transforming symbol. Only in the case of refugees did the statue continue to hold center stage. Wartime activities on the island, frequently sponsored by the American Committee for the Protection of the Foreign Born, or the Emma Lazarus Division of the Jewish Peoples Fraternal Order, examined U.S. refugee policy. Louis Adamic continued to use *Liberty* to stir emotions for war-time refugees and immigrants in his *Common Ground* paper. Of course, *Liberty* also welcomed home hundreds of thousands of service men and women.[21]

The 1950s proved to be the most important decade for the emergence of the "Mother of Exiles" symbol, and once again important developments came about by accident or convenience rather than through the driving force of ideology. When William H. Baldwin of the American Scenic and Historic Preservation Society proposed building an American Museum of Immigration in 1951, he did so largely to stop Robert Moses' long campaign to build the Brooklyn-Battery Bridge. Moses had already faced stiff opposition during the 1930s and 1940s from Franklin and Eleanor Roosevelt, as well as the Preservation Society. He wanted to destroy small Castle Clinton, *Liberty*'s next-door neighbor, to accommodate the bridge. In order to save Castle Clinton from destruction, Baldwin and others "suggested housing a museum in the old fort, which would depict the story of the millions of immigrants who had flocked to the United States in search of liberty and opportunity."

Like Ellis Island, Castle Clinton had been an inspection station during the peak years of immigration. Like Bedloe's Island, it had been a military fort. Although such a plan would stop Moses from building his bridge, the museum would also destroy much of the island's historical integrity. The National Park Service rejected Baldwin's proposal, suggesting instead that Bedloe's Island could serve the same purpose. There was more space to develop, and *Liberty*'s relatively small pedestal could be enlarged to house the museum. In fact, the NPS reminded Baldwin that the existing pedestal was far less grand than the original design, so this could be an opportunity to make up for that deficiency. As Barbara Blumberg explained in *Celebrating the Immigrant*:

> *The NPS officials reasoned that placing an immigration museum in the base of the statue would serve a double purpose. The area under the existing pedestal and under the excavated earth mound, bounded by the fort walls, would provide an ample and fitting home for the museum with at least two floors for exhibits. 'The foot of our great symbol of the American Idea was the most appropriate place,' noted their report, 'for presenting the fruits of that ideal.' At the same time, building the museum in that space would make it possible to complete the superior, stepped-terrace design from [the] original plans.*[22]

Due once again to convenience and coincidence of location, *Liberty* became the proposed home of the American Museum of Immigration. Completing the project, and especially funding it, would prove to be quite a problem, however, and the subsequent fund drive took two decades to complete. To get the

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museum completed, the "Mother of Exiles" symbol was brought home to all Americans, in print, over television and radio, and even in movie houses nation-wide.

The American Museum of Immigration's chief patron, Pierre S. du Pont, received fairly enthusiastic support from Washington. President Dwight D. Eisenhower sent a hearty endorsement:

> *This is a nation of nations. Our forefathers came here from all the countries of the world....United as one people we have created new freedom, and new opportunity for all. There is no story like it in history, and the idea of telling it at the foot of the Statue of Liberty is a splendid one.*

In 1956 Public Law 936 changed the name of Bedloe's Island to Liberty Island, and provided for the museum's creation. The Joint Resolution is a good illustration of how far the "Mother of Exiles" symbol had come. The "Statue of Liberty is to the world," the resolution read, "the symbol of the dreams and aspirations which have drawn so many millions of immigrants to America."[23]

Even more important than these legislative measures, which were accomplished without much public notice, was the actual campaign to get the museum built. The new symbol of the statue was glossed, packaged, and sold to the American public in many different forms. Historian Allan Nevins helped launch the project with a feature article in the *New York Times*. "The beacon held aloft by Bartholdi's statue cast many beams," he wrote, "but two were the brightest of all. One was the opportunity in America to gain a better economic and social footing, a fuller security, an improved status in the community. The other was liberty...." Bartholdi would no doubt have been disappointed to see his original intent relegated to second billing.[24]

The museum project was riddled with difficulties. Plagued by indifference, allegations of corruption, and increasing costs, the museum committee sought any publicity it could find to aid the fund-raising efforts. In 1955 du Pont appeared on *Person to Person* with Edward R. Murrow to outline the museum design and ask for contributions. The next year he took this same appeal to Ed Sullivan's popular program. 20th Century Fox studios produced a short film in 1956, "The Lady of the Golden Door," to be shown in movie theaters across the country. But the public did not seem very interested in this immigration museum. Undaunted by failure in fund-raising, however, du Pont and his crew only expanded their efforts. As the campaign lingered into the 1960s, an hour-long television show, designed to pull on American heartstrings, and purse strings, perfectly summarized the "Mother of Exiles" symbol with "They Entered the Golden Door: The Immigrant Impact on America." In a last ditch effort for public donations, Congress even authorized the striking of bronze and silver "Liberty Medallions." They went on sale in department stores and souvenir shops in 1964, with profits to be channeled to the museum, but sales were poor. In the 1970s over $40,000 worth of medallions remained unsold in warehouses.[25]

"...by the 1960s Liberty Enlightening the World had become the 'Mother of Exiles.' Most Americans seemed to accept the new symbol without question, and rarely if ever was a complaint heard about Bartholdi's lost dream."

Museum proponents worked tirelessly, but the fund-raising campaign was a dismal failure. Although Americans bought the symbol, they were not willing to fund the museum. Robert Moses summed it up best: "The American Museum of Immigration has no appeal. Immigrants went through Castle Clinton and Ellis Island, not Liberty Island." Eventually, Congress was forced to appropriate funds to complete the project. The American Museum of Immigration finally opened its doors in 1972 with the usual glitz and publicity. Once again, *Liberty* had been a convenience. The relentless efforts to fund the museum completed the transformation of the symbol of *Liberty*. Through this long and arduous campaign, with the "Mother of Exiles" symbol splashed through newspapers and magazines, and beamed into living rooms across the nation, Bartholdi's intended symbol had disappeared.[26]

So, by the 1960s *Liberty Enlightening the World* had become the "Mother of Exiles." Most Americans seemed to accept the new symbol without question, and rarely if ever was a complaint heard about

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Bartholdi's lost dream. Two highly public events, one momentous in its impact and the other the epitome of American commercialism, perfectly illustrated the completion of the transformation.

On October 3, 1965, Lyndon B. Johnson ceremoniously signed the 1965 Immigration Act, abolishing the national origins quota. He did so at *Liberty*'s feet. This was perhaps the most significant moment in the creation of the new symbol. Johnson's actions illustrated how effectively the "Mother of Exiles" symbol had completely overcome Bartholdi's dream. "Now under this monument which has welcomed so many," he said as he signed the bill, the most important immigration legislation since 1924, "the American nation returns to the finest of its traditions...the lamp of this grand old lady is brighter today — and the golden door she guards gleams more brilliantly." There were no lofty tributes to liberty and freedom, just applause for the re-opened "golden door." And, in case anyone missed the connection, Lazarus' sonnet was inscribed on a highly visible wall at John F. Kennedy airport, the new gateway to America. Johnson predicted that the 1965 act would do nothing to change America, but it actually became one of the most nation-changing acts of legislation ever passed. As with the original symbol of *Liberty*, it developed in ways no one predicted in 1965.[27]

In 1986 *Liberty* turned 100. America celebrated the birthday with an extravagance that surpassed even the 1886 inauguration, but Auguste Bartholdi would have been confused by the ceremony. His dream could be found, if one looked closely enough, but the elaborate celebrations honored not *Liberty Enlightening the World*, but, rather, the "Mother of Exiles." It was a media blitz. "For four golden days and gaudy nights, [*Liberty*] was the still point of a turning, kaleidoscopic world," reported *Time*. Elaborate ceremonies honored prominent Americans who were naturalized citizens. 16,000 immigrants gained citizenship in a nationally televised event. Ronald Reagan presented Liberty Medals to a dozen distinguished naturalized citizens, including Bob Hope and Irving Berlin. In his official proclamation, Reagan wrote that *Liberty* "is much more than her awesome dimensions and her physical splendor. For millions of anxious immigrants, the forebears of countless millions of today's Americans, she was the first glimpse of America." Invoking Lazarus once again, Reagan noted that the "Statue of Liberty has held high the beacon of freedom, hope, and opportunity to welcome millions of immigrants and visitors from foreign lands." Many Americans, including contributors to *Time* and *The New Republic*, criticized the event. "Liberty Weekend, some carped, was more about profits than patriotism, more about commerce than comity. The opening-night ceremony was a sentimentalized show-biz tribute that left no cliche unturned....But what, after all, could be more American than that?"[28]

The real tragedy of the centennial, however, was not the commercialization of the "Mother of Exiles," but the loss of Bartholdi's original dream of *Liberty Enlightening the World.* ■

[The author wishes to thank Professor Otis L. Graham, Jr. for his always patient and invaluable assistance.]

NOTES

[1] "Subscription for the Building of a Commemorative Monument of the Centennial Anniversary of United States Independence," a fund-raising appeal distributed by the Union Franco-Americaine in Paris. Included in Blanchet, Christian and Bertrand Dard, *Statue of Liberty: The First Hundred Years* (Boston, Houghton Mifflin Co., 1986), p. 50.

[2] Blumberg, Barbara, *Celebrating the Immigrant: An Administrative History of the Statue of Liberty National Monument, 1952-1982*, Cultural Resources Management Study No. 10 (Washington, D.C., National Park Service, U.S. Dept. of the Interior, 1985), p. 1. Quote from "Introduction" by David McCullough, in Blanchet and Dard, *Statue of Liberty*, p. 9.

[3] Quoted in Bartholdi, F.A., *The Statue of Liberty Enlightening the World Described by the Sculptor Bartholdi* (New York, 1885), pp. 13-14; see also Shapiro, Mary, *Gateway to Liberty: The Story of the Statue of Liberty and Ellis Island* (New York, Vintage Books, 1987), p. 11; Blanchet and Dard, *Statue of Liberty*, p. 13.

[4] Blanchet and Dard, *Statue of Liberty*, pp. 14,16; Palmer, R.R. and Joel Colton, *A History of the Modern World*, 7th edition (New York, McGraw-Hill, 1992), pp. 361-452, 501-513, 527-532, and 605-617; Allen, Leslie, *Liberty: The Statue and the American Dream* (New York, Simon & Schuster, 1988), pp. 17-21; Handlin, Oscar, *Statue of Liberty* (New York, Newsweek Book Division, 1971), pp. 22-25; Blumberg, *Celebrating the Immigrant*, pp. 2-3; Shapiro, *Gateway to Liberty*, pp. 11-18.

[5] Blanchet and Dard, *Statue of Liberty*, pp. 16, 24, 33; Shapiro, *Gateway to Liberty*, pp. 11-13, 23-27; Allen, *Liberty*, pp.21-22; Russell, John, "A face that really

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launched 1,000 ships — and many more," in *Smithsonian*, vol. 15 (July, 1984), p. 49.

[6] Quoted in Blanchet and Dard, *Statue of Liberty*, p. 36; Shapiro, *Gateway to Liberty*, p. 13; Handlin, *Statue of Liberty*, pp. 22-23.

[7] For good coverage of Eiffel's design, see Shapiro, *Gateway to Liberty*, pp. 23-24. On the inauguration ceremony, see American Committee on the Statue of Liberty, *Inauguration of The Statue of Liberty Enlightening the World by the President of the United States on Bedloe's Island, New York, Thursday, October 28, 1886* (New York, D. Appleton and Co., 1887); Depew is quoted on page 54. See also Blanchet and Dard, *Statue of Liberty*, p. 98; Handlin, *Statue of Liberty*, pp. 56-58.

[8] *New York Herald* is quoted in Shapiro, *Gateway to Liberty*, p. 66; see also Blanchet and Dard, *Statue of Liberty*, p. 107.

[9] Statistics found in Blanchet and Dard, *Statue of Liberty*, p. 110. For good coverage of these changing patterns in American immigration, see Higham, John, *Strangers in the Land: Patterns of American Nativism, 1860-1925* (New Brunswick, Rutgers Univ. Press, 1988), especially pp. 3-105.

[10] Handlin, *Statue of Liberty*, p. 58. For more on the traveling and arrival experiences, see Shapiro, *Gateway to Liberty*, pp. 77-177.

[11] Handlin, *Statue of Liberty*, pp. 60-61; Blanchet and Dard, *Statue of Liberty*, pp. 116, 62; Editors, "I Lift My Lamp Beside the Golden Door," *American Heritage*, XVII, No. 2 (February, 1966), p. 100.

[12] Lazarus is quoted in Blanchet and Dard, *Statue of Liberty*, p. 117. For more on Lazarus' life and growing commitment to the Jewish community, see Vogel, Dan, *Emma Lazarus* (Boston, Twayne Publishers, 1980); Levinson, Nancy Smiler, "The Lighted Lamp of Emma Lazarus," in *Los Angeles Times*, July 3, 1986, p. II-5. See also Handlin, *Statue of Liberty*, p. 63; Pauli, Hertha and E.B. Ashton, *I Lift My Lamp: The Way of a Symbol* (Port Washington, N.Y., Ira J. Friedman, Inc., 1948), pp. 234-240.

[13] Handlin, *Statue of Liberty*, p. 61.

[14] *I Lift My Lamp*, pp. 320-321; Blanchet and Dard, *Statue of Liberty*, p. 118.

[15] Pauli, *I Lift My Lamp*, p. 321.

[16] Blumberg, *Celebrating the Immigrant*, p. 5; see Higham for more on nativism, *Strangers in the Land*, pp. 68-105; *New York Times*, February 6, 1927, p. 9; Adamic, Louis, *My America: 1928-1938* (New York, Da Capo Press, 1938/76), p. 207.

[17] *New York Times*, July 15, 1934, p. IV-5.

[18] Benet, James, "Mother of Exiles," in *The New Republic*, November 25, 1936, pp. 108-109.

[19] "Roosevelt's Address at the Statue of Liberty," in *New York Times*, October 29, 1936, p. 21. For more on the American Liberty League, see Rudolph, Frederick, "The American Liberty League, 1934-1940," in *American Historical Review*, vol. LVI, no. 1 (October, 1950), pp. 19-33.

[20] Handlin, *Statue of Liberty*, p. 65; *The New Republic*, November 25, 1936, p. 109.

[21] See *New York Times*, October 29, 1944, p. 7 for one typical account of wartime activities; see also *New York Times*, July 24, 1949, p. 25.

[22] For more on Robert Moses and his plan, see Caro, Robert, *The Power Broker: Robert Moses and the Fall of New York* (New York, Vintage Books, 1975); Blumberg, *Celebrating the Immigrant*, pp. 28-29.

[23] Eisenhower is quoted in Blumberg, *Celebrating the Immigrant*, p. 30; see also Blumberg, p. 11.

[24] Nevins, Allan, "Epic of Liberty Island," in *New York Times*, October 25, 1956, p. 15.

[25] Blumberg, *Celebrating the Immigrant*, pp. 42-43.

[26] Quoted material from Blumberg, *Celebrating the Immigrant*, p. 37.

[27] Allen, *Liberty*, p. 259; Johnson is quoted in Blumberg, *Celebrating the Immigrant*, p. 12.

[28] Allen, *Liberty*, p. 10; *Time*, July 14, 1986, p. 10; Cannon, Lou, *President Reagan: The Role of a Lifetime* (New York, Simon & Schuster, 1991), p. 655. For Reagan's official proclamation, see "Centennial Year of Liberty in the United States, by the President of the United States, A Proclamation," included in Hayden, Richard Seth and Thierry W. Despont, *Restoring the Statue of Liberty: Sculpture, Structure, Symbol* (New York, McGraw-Hill, 1987).

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Debates over immigration policy often degenerate into name calling and the argumentum ad hominem. *Here our Washington editor takes a look at the origins and current meanings of the words often used in this way. Roy Beck is presently researching for a book on the effects of U.S. population growth and immigration policy on the country's environment and quality of life.*

'XENOPHOBIA': SCRABBLE WINNER, DEBATE STOPPER

Scholars Explore Meaning — Precise Way Media Should Use

By Roy Beck

Quick. What's a five-syllable word beginning with an "X" and used as a label to de-legitimize another person's argument in a debate? Hint: It has begun to act like a computer virus inside the word processors of the nation's journalists; seemingly each time they write stories dealing with concerns about immigration, out pops "xenophobia," or the word for its more virulent companion malady — "nativism." The "X" word has joined a host of others, including the powerful "L" word (for "liberal," remember?) in the lexicon of labels that muffle discussion.

These are obscure words to the American public, suggests Judith Levi, Northwestern University professor of linguistics. She says the public has to draw its own inferences about the words' meanings.

But, said several scholars contacted by *The Social Contract*, the context in which the words are used probably leads most people to similar inferences: Xenophobes and nativists are not particularly nice people; perhaps they're in the same league as racists; they don't like immigrants; their attitudes and motivation lie outside the boundaries of socially acceptable political thought in mainstream America.

"The words are terms of derision," said David Bennett, Syracuse University professor of history and author of a book on nativism. The contacted scholars differed on the appropriate use of the terms. But all explained that these are strong words with dark historical shadings and pejorative implications. "Xenophobia" is a high-stakes word. Just as spelling it in a round of Scrabble scores so many points as to be a game-stopper, hurling it against a person in a debate scores the kind of points that make it a discussion-stopper.

All of which raises serious questions for editors, writers and speakers. If the words are such powerful negative epithets, professionals who use them must be clear about their meanings and when it is appropriate to employ them. Use of these words by the media requires the same precision and caution that normally would accompany use of labels such as fascist, communist, racist, anti-semite, racial supremacist, anarchist and bigot. A responsible communicator does not attach those words to anybody or any concept without fully understanding the label and knowing enough specific information about a person or idea to justify using the label.

An informal review of the use of "xenophobia" and "nativism" in recent months reveals little precision. Most journalists have steered clear of blatant misapplication of the words, although they often allow newsmakers to do it in their quotes without challenge. But the overall use of the words is so general that readers and listeners easily could infer, for example, that the labels apply to all who would restrict immigration.

The scholars unanimously agreed that it is a gross distortion to suggest that a person is a xenophobe or nativist simply for advocating immigration limits — or even a total cutoff of immigration.

Charles Keeley, the Hertzberg Professor of International Migration at Georgetown University, blames the presidential candidacy of Pat Buchanan for muddying communication. Further confusing the issues is the fact that no other major candidate is talking about immigration, Keeley said. The only major public expression of immigration concerns is Buchanan's. "And he's not leading us to careful consideration of what is best environmentally and best in labor terms in choosing immigrants," Keeley said.

Most journalists don't seem to find Buchanan's framework for discussing the issue to be legitimate.

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But they rarely point out that there are legitimate, mainstream ways to raise immigration concerns, Keeley explained. Thus, when readers see that a commentator has labeled one type of anti-immigration reasoning as beyond the pale of proper public discourse, they very well may think all anti-immigration reasoning automatically is excluded from polite debate. "The implication is that anybody who calls for immigration reduction is wrong," Keeley said. "It makes it very difficult for those arguing reduction to do so without facing pejorative labels."

How would one go about helping writers and their editors in establishing the boundaries for using the labels? What turns a "socially acceptable" desire for limiting immigration into a xenophobic expression?

Dictionaries give helpful indications. Webster's Ninth New Collegiate Dictionary is similar to others in showing that one first must be motivated by fear of foreigners. But fear alone does not make for xenophobia. Hatred appears to be a necessary ingredient. Xenophobia is defined as "fear *and hatred* of strangers or foreigners."

"It's our job to somehow make a distinction and to have reasoned discourse. To say a particular policy position is xenophobic is not an invitation to debate. It is name-calling..."

In defining "xenophobe," this dictionary distinguishes between rational fear and exaggerated fear. A xenophobe is a person who is "*unduly* fearful of what is foreign and especially of people of foreign origin." That surely is consistent with what most Americans think when they hear the word "phobia." Webster's Ninth conveys the sense that a person with a phobia is out of control. A phobia is "an exaggerated, usually inexplicable and illogical, fear of a particular object or class of objects."

When the new Random House Webster's College Dictionary defines "claustrophobia," the condition is not merely a fear of being in a closed space with little air and no obvious chance for escape. Rather, it is defined as "an *abnormal* fear of being in enclosed or narrow places," like refusal to board an elevator. Similarly, Random House defines "xenophobia" as "an *unreasonable* fear or hatred of foreigners or strangers."

To warrant the epithet of xenophobe or xenophobia, a person apparently needs to demonstrate a fear of foreigners that is illogical, exaggerated or marked by hatred. A rational fear of what immigration is doing or threatens to do to one's country would not be xenophobia. In fact, it would be a natural and at times healthy reaction, most of the contacted scholars said.

Harvard University's Stephen Thernstrom, professor of history, believes the epithets should be used as the dictionaries define them. Hence, most uses of the 'xenophobic' label these days are a distortion, he said. Their use has become so "bizarre" that "there are those who say that the use of a term like 'illegal aliens' is xenophobic, even though we have immigration laws" that define legal and illegal aliens.

Historically, there have been many logical reasons that were not xenophobic for opposing immigration or wanting to cut it back, he said. "One of the strongest monitors of unrestricted immigration was organized labor concerned about it providing strike breakers, etc. It [restricting immigration] was a progressive cause. Similarly, some ecological types concerned about pollution and overpopulation seek to limit immigration. Although I'm totally unsympathetic to the issue of protectionism, one can favor high tariffs without being some sinister xenophobic type," he said.

Even xenophobic people who are irrational and motivated by hatred on the issue usually are working from a foundation of legitimate concerns, Thernstrom said: "It's our job to somehow make a distinction and to have reasoned discourse. To say a particular policy position is xenophobic is not an invitation to debate. It is name-calling and likely to get the other person to call a name back. There are people I would call xenophobic, but I would have to do it with recognition that it is a judgment. The Ku Klux Klan in the 1920s was clearly xenophobic, although the concern to which they responded was not totally irrational."

Josef Barton, Northwestern University professor of history, would advise editors and writers to go beyond dictionary definitions in considering how to

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apply the words: "I tend to think about xenophobia in the context of histories between natives and newcomers. Xenophobia points to a generalized fear of persons who are foreign to a culture. It is a very common human emotion. You find it in ancient Greece. It is more or less a constant. Sometimes it peaks, sometimes it is more latent."

Those natural feelings cross the line into something more threatening and less acceptable when they include intense hostility toward an internal minority with foreign origins, Barton said. That is nativism, he said. Dictionary definitions suggest nativism is a form of discriminating in favor of inhabitants who are native-born against those who are foreign-born.

Even people who work to completely close the borders to future immigrants can avoid the charge of nativism if they advocate equal treatment for native-born and foreign-born internal inhabitants, Barton said.

Most of the scholars said it makes a great deal of difference whether opposition is to immigrants or immigration. People are much less likely to act in xenophobic or nativist ways if they are fighting immigration, they said.

Barton sees the possibility of attaching "xenophobia" to some expressions of concern about multiculturalism when they go beyond merely pushing in favor of preservation of a core set of values and show intense hostility toward an internal minority and its cultural values. The definition of "phobic" in the Webster's New Collegiate Dictionary is instructive: "motivated by or based on withdrawal from an unpleasant stimulus rather than movement toward a pleasant one." In that sense, Barton said, people perhaps can avoid the "xenophobic" label if they make certain that their actions and words stress what they are for more than what they are against.

One form of opposition to immigration is much less likely than others to warrant a "xenophobia" label, Barton said. It is the opposition that emerges out of concern for the environment and population stabilization. Perhaps editors should withhold the labels from these people unless their "action passes from perfectly rational concerns into identifying internal minorities as the very root cause of an environmental or population problem," Barton said. "When they [immigrants] become the root cause, that's where rational, reasonable analysis of their contribution has passed into nativistic discourse."

Editors and writers would do well to familiarize themselves with what Georgetown's Keeley calls the four historic kinds of U.S. nativism. Three of the kinds first were identified by John Higham, Professor Emeritus of History at Johns Hopkins University, Keeley said. They are:

(1) Fear of radical philosophies being brought in by immigrants.

(2) Fear of Catholics.

(3) Fear of mongrelizing the Anglo-Saxon virtues of the country.

To those, Keeley adds a fourth: fear of numerical increase.

Every one of those fears has been around since the early years of the nation, and every one could be expressed in a rational, legitimate and non-xenophobic way, Keeley said.

"To be worried about the survival of your culture is a serious question that every group needs to ask."

For example, he said, anti-Catholicism in the 19th century was not without justification. The pope and other Catholic leaders around the world had shown their disdain for freedom of religion and pluralism which the Protestant Americans held so dear. The Catholic Church also was a strong endorser of established religion. Not surprisingly, Americans worried that their country's ideals in these regards would be overthrown if the numbers of Catholic immigrants grew too high, Keeley said.

Likewise, there was concern, beginning with George Washington, about immigrants who might bring in radical philosophies that would undermine the form of government. And Anglo-Saxonism was premised on the accurate observation that democratic ideals had sprung from, and were nurtured in, the British culture, Keeley said. The fear was that people coming from other societies would be unable or not inclined to preserve those ideals.

"To be worried about the survival of your culture is a serious question that every group needs to ask," Keeley said. "The skinheads in Germany are a very ugly form, but that doesn't mean the German people don't have a serious concern about what it takes to maintain a German culture. Part of that

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requires excluding things from your culture." Thus, editors would not be correct in allowing the use of "xenophobia" in connection with a person, idea or movement just because there was concern about preserving some aspect of American culture. At issue is not which culture is better but the effect on "our culture," Keeley said.

"Let's be honest, some people are worried about language and bi-lingual policies in this country who are not motivated by the highest ideals," Keeley said. "But there are some who honestly ask a serious question about what it is that is the unifying base and source of unity that allows for a political culture." Just because some racists and bigots get mixed up in the question, the concern about unity cannot be labeled xenophobic unless other qualities are present, he said.

What turns all those legitimate concerns into negative nativism, Keeley said, is when a person tries to address the concern by stereotyping all immigrants "and making the prejudicial judgment, for example, that anybody who came in 1848 as a result of revolutions in Europe was suspect because of radical political philosophy. That every Catholic was to be a suspect for a papal takeover. That every Italian was to be less favorably dealt with than every Swede because Swedes in general assimilated more quickly with Anglo Saxons."

"Fear of numerical increase was involved in a lot of the arguments around the turn of the century... this fear has emerged in a new form 'that each new American depletes resources and creates labor concerns'"

Keeley said he sees virtually no sign today of nativism based on fear of radical philosophies. About the only anti-Catholic nativism arises around the abortion issue, he said. But quite a bit of Anglo-Saxon nativism continues, manifesting itself in fear of the mongrelization of the nation's culture by large numbers of Third World immigrants, he said.

Reflecting on what ingredients make a person vulnerable to a charge of nativism, Keeley said it appeared emotion is important: "If instead of saying you *fear*, you say you are *concerned* about foreign influence changing culture, there seems to be nothing wrong with that. If anybody can accuse a person of leading [others] on the basis of emotion, that is negative. It's okay to be *concerned* about immigration. You can be rational. But any introduction of emotional terms, positive or negative, is an appeal to emotion and seems to be unacceptable."

The real dilemma for those involved with the issue, he said, is that one moves masses of people to act by appeals to their emotions. After all, what is at stake is a way of life, values, and comfort with the usual ways of doing things, he said.

And what about the fear of numerical increase? That one is different from the other immigration fears, Keeley said. Since the beginning, it has been far less encumbered with the negatives of nativism, he said. The first major manifestation of this fear was by Thomas Jefferson who thought the country needed no more immigrants to fulfill his vision of an agrarian America. This kind of fear loomed large around 1890 with the closing of the frontier and the feeling that a nation without an empty frontier did not need more immigrants, Keeley said. Fear of numerical increase was involved in a lot of the arguments around the turn of the century that the cities were overcrowded and factories didn't need more immigrant labor.

More recently, Keeley said, this fear has emerged in a new form "that each new American depletes resources and creates labor concerns."

It is difficult to justify using "xenophobia" and "nativist" against people with numerical concerns because their argument is not based on the composition of immigrants, who they are or where they come from, Keeley said. Nonetheless, he said such opponents to immigration still need scrutiny: "Some, wanting to restrict on environmental terms, are less than honest not to say that composition also is important to them."

Linguists are not likely to be of much help to editors and writers, said Northwestern's Levi: "We linguists say it is not up to one person or an elite group to say what a word means. Words take on meaning as they are used. The meaning changes over time. There is no single expert on these words. Dictionaries try to reflect how a word is used. But they are always out of date."

What matters, Levi said, is what readers and

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listeners infer when "xenophobia" and "nativism" are used: "You and I and our editors can continue to insist on what words mean, but it may not make any difference to others. One thing a good writer is skilled at is knowing the limitations of the audience. I can use words properly, but it also is part of my sensitivity to language to know when it is a hopeless cause."

Besides contending against all the baggage readers bring to a word like "xenophobia," she said, the label is problematic because "it is ascribing a motive to a person when you may not know the motive."

That's one reason Harvard's Thernstrom questions the legitimacy of using the label at all: "The word is used much too loosely." Although it can apply in narrow instances, it is terribly inappropriate for the United States in general, he said: "This country thus far has had a quite remarkable record of taking people from virtually every group of the world and getting them to live together. The image, on the Left, of the U.S. as nativist and racist just doesn't hold up."

Certainly, though, negative and irrational nativism has had its moments in American history, observed Syracuse's Bennett who wrote *The Party of Fear: From Nativist Movements to the New Right in American History* (University of North Carolina Press, 1988). But he doubts that today is such a moment.

In his book, Bennett showed how all American right-wing movements included fears of alien activities, reaching a peak in the 1920s: "I argue that nativism declined in the '30s and virtually disappeared by the '50s until another kind of anti-alien fear reached a new height with McCarthyism. The fear was not of people but of philosophies."

"My argument is that nativism hasn't really returned," Bennett said. The rise of the New Right during the '70s was a watershed. It marked the first time a right-wing movement did not have fear of aliens as a major component, he said. "It was concerned about sinister ideas within the U.S., but from 'secular humanists,' not from aliens."

The debates over the Simpson-Mazzoli immigration legislation during the early '80s offered a ripe opportunity for nativism to return, Bennett said: "I looked at the debates and whether they took on hostility toward the vast numbers of Hispanics entering the country. There didn't seem to be a nativist movement at all. This was a different coalition to curb immigration. A lot of the arguments were coming from American liberals and environmentalists. The activists were not coming from just one side of the political aisle. They weren't using nativist rhetoric." Bennett discounts the tiny number of Americans participating in fascist movements today as little more than interesting material for TV documentaries.

He said two things killed nativism after the 1920s: a sharp drop in the level of immigration and major scientific advances in knowledge about genetics. Even very progressive intellectuals earlier had endorsed nativist views that certain types of Europeans were genetically more disposed to certain traits that made them better candidates for U.S. citizenship. After the scientific advances, that kind of thinking was intellectually disrespectful by the late '30s, Bennett said.

"For that reason, [Bennett] said, 'nativism' and 'xenophobia' are labels far too strong to be applied to most immigration opponents of today."

In the meantime, immigration had been reduced to a level that allowed the earlier masses of immigrants to assimilate, he said. From 1930 to 1970, immigration averaged 185,000 each year. That's only about one-sixth the level of today. "Nativism slowly disappeared because the running sores of immigration — the fetid slums, the people not speaking English, the crime rates, paupers and alcoholism — these disappeared."

Although the word "nativism" has been around since the 1830s (according to the Random House dictionary), Bennett suspects it didn't gain its present pejorative power until after the scientific discoveries of the 1930s. After that, "nativism" has suggested beliefs in racial and ethnic superiority.

Perhaps because of that, nativism hasn't recurred even though present immigration now is double the massive numbers which came annually 1880-1920 and led to the nation's worst outbreak of nativism.

"The word 'nativist' always has been used by

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people to characterize people they don't like," Bennett said. "It is about people who act in an undemocratic way. People view nativism as outside the boundaries of democratic society."

For that reason, he said, "nativism" and "xenophobia" (which didn't appear in written form until after 1900, according to Random House) are labels far too strong to be applied to most immigration opponents of today. He said it is "absurd," for example, for some pro-immigration activists in California to say that recent advocacy to stabilize the state's population and limit immigration is nativist and aimed specifically at keeping Hispanics out. The population advocates are directing their effort, not against Hispanics, but out of concern that the state's environment is at risk, he said. "And the state assembly is concerned whether it can provide social services as it did in the past before all the growth."

If a journalist or editor, after considering all the caveats these scholars have offered, still feels inclined to use these labels, what should be the guidelines? Such guidelines can be helpful as well for those who support limitations on immigration. If they wish to avoid or escape the "nativist" or "xenophobic" labels, they must be cautious about behavior that generally is considered outside mainstream, democratic mores.

"Xenophobia" refers primarily to motivations and the nature of fear. "Nativism" is directed more at the attitude and actions toward foreign-born persons, especially those who are part of internal minorities.

Based on the lengthy interviews with these scholars, certain boundaries emerge, defining a circle. Inside that circle, beliefs and actions cannot be defined as nativist or xenophobic. Only if they cross at least one of the boundaries could they be considered for the labels. Some of the scholars would draw the circle larger and do consider some of the boundaries too narrowly drawn. For that reason, a journalist or newsmaker would want to be very cautious in applying the labels unless several of the boundaries are clearly crossed.

Each of the following was suggested by at least one scholar as a boundary a person would need to cross to be either a xenophobe or a nativist:

- irrational fears of immigrants, or perhaps excessive emotionalism,
- identifiable hatred and hostility toward foreigners, especially foreign-born internal minorities,
- responses to immigrants stirred by stereotyped images based on race, religion or national origin,
- belief in genetic superiority of one's own group as reason to keep out others,
- accusations that internal minorities are the root causes of environmental and social problems.

Interviews with the scholars, who came from different ideological perspectives, also suggest that:

- Fear about immigration's effect on a country's environmental quality is not xenophobia.
- The effort to preserve a native culture from being substantially changed by immigration is not in itself nativist.
- A person who worries about what immigration trends are doing to national unity is not necessarily a xenophobe.
- A philosophy of keying immigration policy to the needs of a country's workers is not nativism.
- Efforts to achieve population stabilization through immigration limits are not xenophobic.

Adherence to criteria such as the preceding might consign the "X" word and its family of labels to no more usage than other obscure words in the "X" sections of dictionaries. ■

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This testimony was submitted to the Subcommittee on Civil and Constitutional Rights, House Committee on the Judiciary in regard to the reauthorization of the bilingual voting provisions of the Voting Rights Act. It was presented by Gerda Bikales, President of E PLURIBUS UNUM and formerly Executive Director of U.S.ENGLISH.

TESTIMONY BEFORE THE HOUSE SUBCOMMITTEE ON CIVIL AND CONSITUTIONAL RIGHTS

By Gerda Bikales

We appreciate the opportunity to present our views on the reauthorization of the Bilingual Voting Provisions of the Voting Rights Act.

E PLURIBUS UNUM is a national public interest organization, dedicated to strengthening the cultural bridges that connect Americans of all origins into a national community. It is these vital links among citizens — a common language, a shared civic culture, the special bond of citizenship — that make our nationhood possible.

We strongly urge the Committee not to reauthorize Section 203 of the Voting Rights Act, the Bilingual Voting Provisions. We vigorously oppose any expansion of the practice of voting in foreign languages, as has been proposed in H.R. 4312. The principal reasons for our opposition are these:

1. Much has happened since the Act's last reauthorization in 1982, to prove conclusively that the American people do not wish to dilute the power of our common language to keep us together as a cohesive society, and that they consider the Congress' mandate to provide ballots and voting materials in foreign languages to be deeply misguided and dangerous.

In 1983, the first national public interest organization was started around the issue of maintaining the primacy of English in public life. It rapidly built up a membership in the hundreds of thousands. Still another national organization, and several local groups, formed around this issue, with equal success.

Beginning in November 1983, the people of the United States have demonstrated repeatedly their strong support for legal protections for the English language, and against the aceceptance of rival languages in official usage.

It cannot be said that the issue of voting in foreign languages has not been addressed by the American electorate. On the contrary: it has been very specifically addressed.

Those of you who were in the House in 1983 received a letter from San Francisco then-Mayor Diane Feinstein, conveying to you the feelings of the voters in America's most liberal and tolerant city on the subject of foreign language ballots. In a referendum initiated at the grass-roots level, San Franciscans had voted decisively for Proposition O, against the provision of ballots and election materials in languages other than English. Some 64% of the voters had required the reluctant Mayor to notify each member of Congress of their rejection of bilingual voting, and to ask you to repeal the law that mandates it.

"...voters in Colorado, Florida and Arizona [voted] decisively for popular intiatives declaring English the language of their states."

A year later, in 1984, you received a letter from the Governor of California, informing you that the voters of his State, in an initiative that qualified through the collection of nearly a million signatures, had voted three to one against bilingual ballots. As part of the initiative, the voters had directed the Governor to notify each and every member of Congress of their vote, and to ask you to remove the bilingual voting provisions from the Voting Rights Act. In 1986, Californians used the popular initiative process again to amend their State Constitution to declare English their official language.

The Chairman of this Subcommittee, the Hon. Don Edwards, is very familiar with all these successful initiatives, as he represents a California constituency that voted for them.

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In 1988, voters in three States — Colorado, Florida and Arizona — also expressed their deep concern about the ongoing erosion of the common language, voting decisively for popular initiatives declaring English the language of their states. In 1990, voters in Alabama voted 9 to 1 for a constitutional amendment to make English their official language.

In all these campaigns, the issue of foreign language ballots was discussed, and the outcome expressed the American people's conviction that encouraging voting in foreign languages is a serious mistake, that this most symbolic act of American democracy at work should be exercised only in the nation's traditional language.

In short, whenever American voters have been given an opportunity to express themselves on the subject, they have overwhelmingly seized the opportunity to uphold the principles that foreign language ballots are wrong, and that English must be given exclusive legal standing.

All in all, through direct voting or through pressure on the legislatures, eighteen states now have declared English their official language.

It would be an exercise in extreme political cynicism for members of Congress to pretend now that these votes have never taken place, and ignore the evidence of powerful support for our common language among their own constituents. The American people *have* indeed spoken, repeatedly, and they expect Congress to listen to them.

2. There are other compelling reasons for letting this section of the Act expire — and certainly for opposing its further expansion. We have witnessed, these past two years, the awesome power of supercharged ethnic assertiveness unleashed. Before our eyes, we have seen Yugoslavia disintegrate into warring provinces, and the Soviet Union balkanized into antagonistic Republics. We have seen Canada come close to the brink of dissolution — a tragic event that is sure to be finalized before the next reauthorization of bilingual ballots comes around under the terms proposed in H.R. 4312.

The break-up of whole nations under the stress of ethnic conflict and language divisions is cause enough to reconsider our own language policies. Encouraging people to vote in a language other than English uses the government's strong hand to fan the flames of ethnic separatism. It leads to intergroup antagonisms that poison political life, and make consensus-building impossible. It spreads ill-will among Americans.

"Ballots and voting materials in other languages are a high visibility, high impact message that this nation is giving up on its common language."

3. Bilingual ballots have not changed the pattern of low voter-turnout among Hispanic voters. On the contrary. Recently released U.S. Census data show that in 1974, 34.9% of Hispanics of voting age were registered to vote. In 1990, that figure was down to 32.3% In 1974, 22.9% of Hispanics of voting age actually voted. In 1990, only 21% actually voted.[1]

These data are interpreted by advocates of bilingual ballots to make the case for their extension and wider usage. Actually, these figures do not reflect a need to furnish translated ballots to American citizens. Rather, they bespeak serious failures in our immigration policies, in our naturalization policies, and in our education policies with respect to the teaching of English to immigrant school children.

Clearly, we are receiving immigrants much faster than we can integrate them into our country, including into our political system. We are using foreign language ballots as a substitute for meaningful language requirements for naturalization, and for teaching English effectively to newcomers in our schools. It is those policies we must look at, those policies we must revise, so as to avoid amassing a growing body of citizens so ill prepared for life in this country that they claim they can only vote in a foreign language.

More and more, Americans everywhere perceive that our social fabric is unraveling fast. A few weeks ago, *TIME* magazine's feature cover story (February 3, 92) focused on "The Fraying of America." Of all the symbols of this fraying, none are more telling, more unsettling, more bitterly resented than the voting ballot printed in foreign languages.

Ballots and voting materials in other languages

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are a high visibility, high impact message that this nation is giving up on its common language, that we no longer prize our sense of nationhood, that we have stopped trying to gather the great American family together around a core of civic values.

It should be understood that *E PLURIBUS UNUM is strongly opposed to disenfanchising any citizen because of deficiencies in English.* We believe that citizens who are otherwise qualified to vote but don't know our language should indeed be welcomed at the polls, in the language of our country. Their efforts to participate in shaping our common future, despite language limitations, should be appreciated. No tests should be administered to any qualified voter to check his or her level of proficiency in English.

We recognize that voting in English may be an inconvenience for some people, but it should not be an immutable legal or cultural barrier. The law permits people who want help to take someone with them into the voting booth, and that practice should be retained. Ethnic advocacy groups, instead of badgering the Congress for ever more quasi-official acceptance of their language, could opt to provide a public service by publishing translations of the ballot in the foreign language press, and making copies of such translations available at neighborhood gathering spots, perhaps even including polling places.

Experience with generations of immigrants tells us that the person who may have trouble understanding the ballot this year may very well have an easier time next year. Learning English is an option open to virtually all citizens, and it is one that leads to full participation in the life of this nation.

Congress cannot ignore what has happened since it last reauthorized the law on bilingual voting. The American people have forcefully rejected it. Nations have disintegrated in ethnic and language rivalries. The failures of our immigration, naturalization and education policies have become transparent, for all to see, in the clamor for expansion of the bilingual ballot provisions.

We urge you to let the law expire next August. ■

[1] Source: *Current Population Reports*, Series P-20, Nos. 174, 228, 293, 344, 383, 414 and 453.

A New Booklet Worth Reading

Readers of *The Social Contract* will be interested in *The Competition Time Bomb: 25 Threats*, a booklet by Richard A. Caldwell and Richard D. Lamm. Surveying the past ten years, the authors graphically demonstrate the changes that have made the U.S. the world's largest debtor nation with among the lowest rates of productivity, constantly importing more than we export. Copies are available for $7.50 plus $2.50 postage and handling payable to: The Center for Public Policy and Contemporary Issues, University of Denver, 2301 South Gaylord St., Denver, CO 80208, (303) 871-3400.

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David North is the author of many papers on immigration and immigration policy. He serves as Director of the Center for Labor and Migration Studies, New TransCentury Foundation, Washington.

DEMOCRATIC GOVERNMENTS: Why They Cannot Cope With Illegal Immigration

By David North

All OECD (Organization for Economic Cooperation and Development) nations seek to control immigration across their own borders, all have created various laws, systems, and agencies to enforce bans on illegal immigration, and none are very successful in these efforts. This paper offers a tentative set of explanations for this situation.

Let me start with an example. We, in the United States, spent more than a dozen years during the Nixon, Carter and Reagan administrations debating various approaches to the control of illegal immigration, and, since late 1986, another four years experimenting with the approaches adopted in the landmark Immigration Reform and Control Act (IRCA) of 1986. We have created a lot of change in the immigration law, but have apparently not caused much long-run change in the flow of immigrants, as two sets of statistics seem to indicate.

We have developed a useful proxy measure for illegal migration across the southern border (which is the source of the major portion, probably well over half, of America's illegal migration). The measure used is the number of apprehensions of illegal migrants made by the average Border Patrol agent working at the border ("linewatch") during an average 10-hour work shift. During the last two decades, the number of arrests for the average agent's linewatch shift moved up from 0.82 in the fiscal year (FY) 1970 to 1.96 in FY 1978, to a peak of 3.94 in FY 1986, and then dropped to 2.12 in FY 1988, but by FY 1990 it was back to 3.26.[1]

The total number of apprehensions is a more often cited, but less useful, measure than linewatch apprehensions per shift because these are presumably affected by such administrative variables as changing Border Patrol strategies and funding levels. These are worth noting as well, however, if only to indicate the volume of activity. The nationwide apprehension totals reached a peak of 1,767,400 in FY 1986, dropped to 943,243 in FY 1989, and were up to 1,169,939 in FY 1990. About 90 percent of these arrests take place at, or near, the southern border.[2]

The renewed levels of illegal migration to the United States have been disheartening to the supporters of IRCA because that legislation appeared to have a good chance of reducing illegal immigration to the US. It showed promise (in the eyes of many, but not all, observers) because it took a two-level approach to the problem: it (a) offered a major segment of the then illegal alien population legal status (the provisions were designed to favor long-time residents and those who had worked in agriculture) while (b) introducing to the US the long-standing European practice of penalizing employers who hired undocumented workers (employer sanctions).

In brief, the legislation was quite successful, but the jury is still out on sanctions. Some 3 million aliens applied for legalization, and more than 90 percent of the decisions made to date have been approvals (despite extensive fraud in the farm-worker part of the program). The sanctions program moved more slowly than legalization, employer fines have not been numerous, and much of the thrust of the law has been blunted by the ready availability of fraudulent documents for otherwise undocumented aliens.

The immediate post-IRCA dip in the various measures of illegal migration to the United States, mentioned above, probably related to the short-term impact of the legalization program. Suddenly there were 3 million people who did not need to cross the border illegally — many illegal migrants from Mexico return to their homes at Christmas time and subsequently seek to travel back to the US illegally. But it seems, from these data, that the flows of illegal entrants are rising again.

The apparent failure of IRCA to reduce the levels of illegal migration is not unique. Far from it. Most efforts by democracies to control unwanted

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immigration have been only partially successful, as a quick glance at the literature shows. Why did Australia and France have repeated amnesty (legalization) programs for once-illegal aliens? Presumably because of a continuing supply of aliens needing legalization. Why have France and Germany continued to tinker with their employer sanctions laws? Presumably because previous efforts were not successful enough to satisfy the governments of the day.[3]

It is not that immigration control is impossible. When Nigeria decided to expel hundreds of thousands of illegal aliens, they left; when the Soviet Union decided that Jews, and others, were not to depart from the USSR, they stayed. The problem arises when Western democracies seek to discourage what they regard as illegal migration.

"While polls show that voters generally have a dim view of illegal immigration,... and while national legislatures routinely pass laws against illegal immigration and provide some money to enforce those laws, there is an articulate and powerful set of interests which are not sympathetic to the enforcement of immigration law."

After watching immigration policy formation and implementation for 20 years (mostly in the United States but with forays to Australia, Canada, New Zealand, the Caribbean and Western Europe), I suggest that democracies do not control international migration well because they are reluctant to devote the needed financial, diplomatic, intellectual, and above all, emotional resources to the issue. Stated another way: the democracies are unwilling to spend enough money, make enough diplomatic demands of sending (usually otherwise friendly) Third World nations, think hard enough, or be tough-minded enough, to inflict pain on (otherwise law-abiding) disadvantaged persons, in order to manage international migration effectively.

Before examining these factors in some detail, it is only fair to note that this situation is perfectly acceptable to many players. While polls show that voters generally have a dim view of illegal immigration (and not always a charitable one about legal immigration), and while national legislatures routinely pass laws against illegal immigration and provide some money to enforce those laws, there is an articulate and powerful set of interests which is not sympathetic to the enforcement of immigration law. As is often the case in a democracy, these interests, while narrow, are strong and well-organized; they often overpower broader but fuzzier groups in the body politic.

Without getting into a discussion of the normative issues of the utility or non-utility of illegal immigration, or the more difficult set of issues dealing with what kinds of control measures are, or are not, acceptable, let us look briefly at the losers and the winners in this equation. The "Julian Simon/Ben Wattenberg School of Optimism" teaches that all immigration, legal or illegal, to a nation like the United States is a plus, but setting that to one side, there clearly are some losers and some winners in a typical industrial democracy.

The big winners are the illegal migrants themselves and their employers, many of whom prefer the hard-working, non-assertive newcomers to older hands in the nation's labor market. Lesser winners are consumers, who sometimes pay lower prices for some goods than they would otherwise, and the Establishments in the Third World nations, who experience less pressure for a more equitable income distribution pattern and other internal reforms.

The big losers (though they often do not know it) are disadvantaged legal workers, often of minority origin, who either lose their jobs to newcomers, or, more often, find that wages and working conditions have been depressed because of the presence of the newcomers in a specific segment of the labor market. (Bankers, lawyers and intellectuals are never threatened by this kind of competition.) If the State provides welfare benefits to the displaced domestic workers, then taxpayers (who may not know about it) are lesser losers as well.

The opponents of immigration law enforcement in the United States are as powerful as they are diverse. While big business pays little attention to the issue, big farming, which has used illegal aliens and other inexpensive foreign workers for decades, is strong and played a major role in shaping IRCA to meet its felt needs. IRCA has not tightened

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agricultural labor markets, nor increased the normally low wages of farmworkers. While the disproportionate influence of farmers is not news in Europe, the strong role in immigration policy made by pro-migration organizations may be.

There are always foreign-born members in the United States Congress, often in significant positions. Further, and more importantly, there are small but expanding groups of native-born members from such immigrant groups as Hispanics and Asians. Finally, the even more numerous black members of Congress, who might be expected to defend the interest of their often low-income constituents against competition with newly arrived illegal immigrant workers, do not do so. The members of the Black Caucus, identifying with the members of the Hispanic Caucus, routinely support the Hispanic position on immigration issues. The politics of the chamber, in short, are more important to these black Congressmen than the politics of constituency.

When the Farm Bloc (usually Republicans) and the ethnic minorities (usually Democrats) join on an immigration issue, they are often supported by urban Democrats who, in turn, are sympathetic to immigration, generally. Those sentiments are reinforced by the network of migrant-serving agencies which provide casework assistance to the foreign-born as well as support for pro-immigration public policies. It can be a powerful coalition, particularly when one recalls that legislative party discipline, the norm in Europe, is virtually unknown in Congress.

In a sense, the struggle over immigration policy is like a struggle over environmental policy; the narrowly-focused opponents of immigration enforcement, along with their diverse allies, like the narrowly-focused opponents of pollution abatement, have much more at stake than those on the other side of the issue. Diminishing the extent of acid rain is probably a good idea for the society as a whole, but no individuals or institutions will benefit quickly in any tangible way; reducing acid rain, however, will quickly and tangibly hurt a number of specific interests (e.g., those who mine and use soft coal). Similarly, effective immigration enforcement will bring major losses to certain narrow-interest groups, but no immediate tangible benefits to any powerful groups. This setting is one that facilitates the creation of generally popular (i.e. restrictive) immigration policies, but discourages serious support for such policies. It is in this setting that we see a lack of financial, diplomatic, intellectual and emotional support for immigration enforcement.

Finances

Immigration law enforcement is not a high priority for budget writers in the United States. For example, for years there were more officers on the Capital Police Force, which guards the halls of Congress, than there were INS investigators, enforcing the immigration law in the interior of the U.S.

In terms of international comparisons, Australia and Fiji both have computer-run check-in and check-out systems which can immediately produce lists of all the persons in those two countries who no longer have legal status (i.e. they have arrived in the country, and have overstayed their period of admission). The United States has no such system. There are many other examples of the minimal funding of U.S. immigration law enforcement, including the remarkably small number of border agents at the southern border. How many other enforcement agencies make arrests at the rate of four per working shift?

Diplomacy

Immigration management appears to be a low priority to diplomats as well, at least in the United States. This may reflect an element in the early professional lives of all diplomats — they must spend one tour of duty making decisions on visa applications. This is an onerous task, one in which the junior diplomat is rarely criticized for letting in what turns out to be an overstayer, but who is sometimes under heavy pressure for saying "no" to a persistent applicant. Most young diplomats flee from these consular duties as quickly as possible.

On a more significant, if grim, level, there is the question of America's alien expulsion policy; more specifically, where does the United States send the hundreds of thousands of Mexican nationals it arrests each year? In the past the INS used to fly at least some of them back into the interior of Mexico, so that they could be released near their homes, and to discourage them from trying to cross into the United States again. Mexico objected several years ago, and the practice was abandoned. Currently, the overwhelming majority of arrested Mexican nationals are

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simply escorted back to the nearest port of entry — and simply wait for night to fall, and try to enter the U.S. again.

While INS would like to resume interior repatriations, and might even think about sending some apprehended Mexican nationals back over the Guatemalan border,[4] Mexican objections have stifled such plans. Apparently INS has never convinced the State Department that the next time the United States makes a major concession to Mexico (as it has over some debt issues) the restoration of interior repatriation might be part of the deal.

There may, in the United States, be something of a class bias at work here. The State Department, working with heads of state, and operating out of its elegant neighborhood in Washington, may have trouble identifying with the problems of the Immigration Service, a step-child agency located in Washington's slums. Whatever the cause, we spend few diplomatic chips on migration control.

Intellectual Efforts

The Western democracies have not thought much about immigration enforcement strategies; certainly the United States has not. While the Border Patrol handles its tactical challenges reasonably well, as it arrays its sensors, its agents, and its airplanes within the current enforcement environment, there is no visible attempt to stretch the imagination and to think of new and better ways of enforcing the immigration law.

This is not to say that intellectuals have ignored the question of *immigration*, far from it, as this very conference shows. But the thrust of this conference, like most others in this field, is different. We are interested in the changing flows of international migration, their causes, and their effects; we may talk about encouraging economic development in sending nations, as a useful tool in long-range immigration policy, but we are not paying attention to enforcement *per se*.

I think there are two main reasons for this: individual and institutional.

Individual scholars in the field, and those controlling funding in or near the field, are likely to have been drawn to the subject from either a personal vantage point (many are first- or second-generation migrants themselves) or because they find it a fascinating laboratory for the exercise of their own interests in one of the social sciences (e.g., political science, economics, anthropology). Rarely are people drawn to the field because it provides intriguing challenges to law enforcement.

For example, there has been a rush of magazine articles, books and television shows about the newly-restored immigration control point, Ellis Island. It is probably not surprising, but all have been written from the point of view of the immigrants, none from that of the immigration managers.

There currently is a happy exception to this generalization, as several reputable U.S. scholars in the field are paying attention to the introduction of employer sanctions.[5] But this is different from a study of immigration enforcement *per se*, as employer sanctions is a new kind of government regulation of business, largely a matter of bureaucrats versus businessmen, not cops versus migrants.

Similarly, while individual scholars ignore enforcement, immigration enforcement agencies tend to ignore scholars. Perhaps this is more true in the United States than elsewhere. The U.S. Immigration and Naturalization Service (INS) has only the most limited curiosity about the business of illegal immigration. For example, while INS has expanded its staff and its computer capacity in recent years, it has not taken care of the following puzzles:

- INS does not know, with any precision, the gender mix of the million or so people it apprehends annually. Its standard arrest report form (I-213), which has not been changed in decades, records the sex of the arrested alien, but data are not completed on this subject except for the apprehended Mexican nationals who are divided into two groups: men 16 and older, and women and children.[6]
- INS has never even sought to estimate the percentage of people attempting to cross the southern border illegally who succeed.
- Similarly, on the other side of the coin, INS has not, until quite recently, examined an old problem: to what extent are the people it apprehends newcomers, or are they persons apprehended earlier (sometimes earlier that day) by the Border Patrol; I have not seen the study in question.
- INS does not know the extent to which certain significant, easily measurable external factors

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(prices, or lack of rainfall in Mexico, or job opportunities in the United States and Mexico) relate to apprehension levels at the border.

- INS has quietly placed some informants, and perhaps undercover staff members, within the northbound flow of illegal aliens to secure tactical information about smugglers of aliens. That is to be expected. I doubt that any of this information, and these contacts, have been used by, for instance, a criminologist who might figure out techniques to neutralize these networks.[7]

How does an agency, with these handicaps, work out a coherent, creative enforcement strategy? Why don't the immigration control agencies have an international organization of their own to exchange information on, among other things, enforcement techniques? Why are none of these agencies participating in this, and similar conferences?

There are some signs of movement within the INS, however; it currently is working on an in-house research project in which, for the first time, INS seeks to measure the costs and benefits of illegal immigration to the average undocumented migrant.

Spending Emotional Capital

While one may argue that there is too little gilt in the enforcement of the immigration law, there is clearly an adequate supply of guilt. One gets the impression that many decision-makers in Western democracies feel badly about sending otherwise law-abiding, undocumented Third World residents back to their homelands against their will.

As a result of this conflict between guilt, on the one hand, and the letter of the law on the other, relatively few migrants are expelled by democratic governments other than the one in Washington. This is generally not recognized.

Further, most of those expelled by the United States are simply pushed across the southern border, and are likely to return the next day. In fact, in FY 1988, INS sent 937,120 illegal entrants to their homelands, but all except 17,712 were simply pushed back over the Mexican (and, to a much lesser extent, the Canadian) border.[8] One might compare the 17,712 serious expulsions to the population of 3 million legalization applicants.

United States expulsions, whether at the one million or the 17,000 level, loom large compared to those of other democratic nations. Although hard data are not easy to secure, my understanding is that Canada throws out no more than 1,000 per year; and that even Germany, despite much official complaining about the number of questionable asylum seekers, forces out only 10,000 or so. The United Kingdom publishes data on this point: for instance, in 1986 it enforced only 738 deportation orders, a number which rose to 776 the following year.[9] By expulsions, I mean the arrest of someone within the country's borders and the subsequent dispatch to another nation; I am not including denials at the port of entry (called "exclusions" in the U.S.).

The rather low level of expulsions reflects, among other things, the power of the guilt factor on the executive branch of the government. It works elsewhere as well.

In legislative debates on immigration enforcement, the opponents usually shift the subject of the debate from ends to means; i.e. from: "is illegal migration good for the nation?" to: "is this proposed enforcement technique acceptable?" We then have a debate, at least in the U.S., where the symbolism is lop-sided, particularly if it appears on television. One does not see a domestic worker *not* getting a ten-cent-an-hour wage increase, which is hardly a telegenic concept. One sees a tall, pale-skinned, uniformed officer herding a smaller, darker, often shabbily dressed worker into a police van.

A result of America's legislative policy makers' unwillingness to spend emotional capital on this issue is the lack of a mandated work permit which would facilitate the enforcement of employer sanctions. Such cards are common on the Continent, but the suggestion of such a document in the United States raises vigorous protests from civil liberties advocates on the left, and from libertarians on the far right.

To engage in a sweeping generalization, the guilt factor (together with a substantial mix of other considerations) appears to play a role in the American judicial branch as well. United States judges, sometimes using the letter of the immigration law, and sometimes other judicial or constitutional concepts, usually rule against the Immigration Service when its cases arrive in court. A particularly steady series of defeats in court greeted INS's generally narrow interpretations of IRCA's

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legalization program; in virtually all cases where there was a dispute over an alien's eligibility for legal status, the alien won.[10]

These political factors, this lack of willingness to spend financial, diplomatic, intellectual, or emotional capital to cope with illegal immigration, are particularly evident in my own country. Some of these factors — such as the political power of migrant groups[11] and the role of the judiciary — are particularly American phenomena. But as long as the economies of First World countries remain relatively strong, and as long as ethnocentrism remains appropriately quiescent, it will be difficult for democracies to enforce their immigration laws vigorously. ■

NOTES

[1] The author's calculations are based on unpublished workload data from the G-23 series, provided by the Division of Statistical Analysis, U.S. Immigration and Naturalization Service, Washington, DC.

[2] *1989 Statistical Yearbook of the Immigration and Naturalization Service* (Washington, 1990), table 61, for FY 1986 and FY 1989 data; FY 1990 data by telephone from the INS Central Office.

[3] For a somewhat less pessimistic review of the ability of nations to control illegal immigration, see Mark Miller, "Towards Understanding State Capacity to Regulate International Migration: Employer Sanctions in Western Europe," a paper presented at the Southern Political Science Association, 1990, Atlanta.

[4] Most apprehended Mexican nationals are arrested in California; since most are from south central Mexico, most would be closer to their homes if expatriated at Mexico's Guatemalan border than they are when sent back to Tijuana, the usual practice.

[5] See for example, Robert L. Bach and Doris Meissner, *Employment and Immigration Reform: Employer Sanctions Four Years Later*, Immigration Policy Project of the Carnegie Endowment for International Peace, Washington, 1990; and Michael Fix and Paul T. Hill, *Enforcing Employer Sanctions: Challenges and Strategies*, the Rand Corporation and the Urban Institute, Washington, 1990.

[6] This is a matter of some potential interest because, as Frank Bean of the Urban Institute has pointed out, the incidence of women among those entering the United States seems to have increased following IRCA; this may be a follow-on consequence of IRCA's alien legalization programs, whose beneficiaries were largely male. Many of the women entering illegally probably relate to the men who entered illegally earlier, and subsequently became legal residents. See Frank D. Bean, Barry Edmonston, and Jeffrey S. Passel, editors, *Undocumented Migration* to the United States: IRCA and the Experience of the 1980s, Urban Institute Press, Washington, 1990, pp. 132 and 149.

[7] Scholars and journalists have also entered these networks; the first one probably was Jorge Bustamante who wrote about his adventures crossing the United States-Mexico border illegally in Julian Samora's *Los Mojados*, (Notre Dame, Indiana: Notre Dame Press, 1971) pp. 108-127. More recently a pair of *Miami Herald* reporters joined a group of Central Americans as they moved illegally through Mexico to the United States. One of the events they reported was a smuggler's description of the difference between the US Border Patrol agents and Mexico's police officers: the US agents will not beat you and they cannot be bribed. *Miami Herald*, January or February 1990.

[8] Totals derived from *INS 1988 Statistical Yearbook*, tables 60, 65 and 68.

[9] Immigration and Nationality Department, *Immigration, Nationality and Passports: A Report on the Work of the Departments*, Home Office, London, 1988, table 6.1.

[10] For more documentation, see the weekly newsletter of the United States Immigration Bar, *Interpreter Releases*, Federal Publications, Washington. It prints careful summaries of all major judicial decisions on immigration cases.

[11] Immigration populations play important roles in Australian and Canadian politics as well as in the United States, but their role is different because political systems are different. In Canada and Australia, interests of migrant populations are more likely to be weighed within the ministry, rather than in the inner workings of the legislature. In the United Kingdom, on the other hand, the political prowess of the migrant groups has only started to grow. Until the most recent election, for example, no non-white served in the House of Commons. (On this point: there was an unnoticed pairing of events on opposite sides of the Atlantic late in 1990. Connecticut's Republicans quietly sent a Black to the US House of Representatives from a district that was 97 percent white — a first. At about the same time in Britain, a nasty public squabble arose in the Conservative Party when a Black was nominated for a safe Tory seat to represent a predominantly white constituency.)

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Wade Graham is studying toward his Ph.D. in Comparative Literature at the University of California at Los Angeles. This essay deals with the Mexican approach to environment and conservation problems. Mr. Graham, who is fluent in French and German as well as Spanish, surveyed the debate over immigration in France for our Fall 1991 issue. This essay is reprinted with permission from Environmental History Review, *15:4, pp.1-17, (Winter 1991), © 1991, The American Society for Environmental History.*

MEX-ECO?: MEXICAN ATTITUDES TOWARD THE ENVIRONMENT

By Wade Graham

"The domination of nature by man stems from the very real domination of human by human."

— Murray Bookchin

"We still don't know how to put morality ahead of politics, science, and economics. We are still under the sway of the destructive and vain belief that man is the pinnacle of creation and not just part of it."

— Vaclav Havel, addressing the U.S. Congress

In recent years, the American environmental movement has seen the focus of its attention shift from the national to a more international stage.[1] The greenhouse effect, population pressures, and acute resource depletion cross national, continental, and oceanic borders. This has prompted a greater awareness of the global scale of the environmental predicament. In order to find new, international solutions to shared problems, we face the challenging task of broadening our understanding of other geographies and cultures.

Both proximity and common interest must direct our awareness toward our Latin American neighbors. Mexico, due to its long shared border with the United States and the complex web of interrelationships that the border creates — historical, economic, social, and environmental — is of particularly critical and immediate importance. This essay seeks to address the question of Mexican cultural attitudes toward the Man-Nature nexus.

It is an understatement that the United States and Mexico have oftentimes enjoyed less than cordial relations, animated by mutual distrust and incomprehension. These difficulties have extended into the environmental sphere. From a United States perspective, Mexico's posture in recent decades on environmental degradation would seem to be one, if not of pure negligence, certainly one less concerned and committed than our own. The perceived disparity between levels of environmental consciousness in the two countries might be explained in terms of developmental differences, or by reference to an innate cultural difference between northern and southern European — Protestant and Catholic — heritages.

Yet, regardless of the presumed causes, the preferred outlook seems to be clear enough from this side of the line, as the comment of one Mexican-American resident of El Paso about its sister-city, Ciudad Juarez, demonstrates: "We came from there, but they're not us. They toss their garbage in the Rio Grande and want us to pay to clean it up. We may share a baseball team and a past, but we aren't one community. Who the hell wants to be part of Mexico?"[2]

Many Mexicans on the other hand have in the past typically seen the issue not as matter of their own cultural backwardness, or an inheritance from the Spanish colonial past, but rather as the unfortunate consequence of a chronic economic stagnation which stems from Mexico's historic dependence on the United States and other First World nations. In the words of one government scientist:

> *We Mexicans cannot get excited over ecological problems which are the by-products of industrial development. We tend to look upon such questions as the most recent fad in a rich country seeking distraction from the real problems, such as nutrition, housing, and public health. Moreover, the limited resources at the command of a less developed country prevent it from dealing with ecological problems in any form.*[3]

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These differences of perception complicate our ability to cooperate on trans-frontier problems, and further contribute to the climate of mutual suspicion and lack of communication that hamper US-Mexican relations. It is unfortunate that, on the one hand, many Americans consider Mexico to be incapable of solving its own problems; and on the other that Mexicans feel justified in shifting blame to the United States, while overlooking their own responsibilities. Nevertheless, it remains glaringly true that environmentalism in the United States has had significant success in changing public policy as well as public opinion, while in Mexico it is still acceptable, even in the most affluent of neighborhoods, to simply toss one's ripening garbage over the wall and onto the street.

As a starting point one must ask *why* the United States now enjoys a multi-faceted and increasingly powerful environmental movement with a 100-year history of political activism, while Mexico has only recently — and that to a great extent under the pressure and influence of the developed world — begun the process of coming to terms with its share of the ecological catastrophe? By comparing the historical experiences of the United States and Mexico, an attempt can be made to clarify the underlying causes for the success of the one and the failure of the other in developing a broader environmental consciousness, and to determine what cultural, ideological, and economic barriers stand in the way of such a consciousness.

"Conservationists [in the U.S.] saw the continuing rapid and unregulated exploitation of natural resources as a danger to the future prosperity and stability of the nation."

THE AMERICAN CASE

Environmentalism, as a significant and organized political phenomenon, first appeared in the United States toward the close of the nineteenth century. Although its membership was diverse, and its various constituent philosophies often contradictory, the emergence of the "conservation" movement was essentially a reaction to the far-reaching changes being wrought on American society and on the American landscape by the events surrounding "the closing of the frontier." Not only did this period see the end of continental expansion and Indian warfare, it was witness to the setting in motion of an entire series of dislocations in the fundamental structure of society. The rise of industrial capitalism, rapid urbanization, and enormous population growth — much of it due to immigration — contributed to the United States' transition from a predominantly agricultural to an urban, industrial society. These changes in turn led, for the first time in the nation's history, to increasingly serious pressure being put on the natural resource base, thus prompting a growing number of people to undertake a reassessment of America's traditional policy of no-holds-barred exploitation.

Most observers agree that environmentalism was roughly composed of two communicating wings, "conservationist" and "preservationist," each with its own diagnosis of American society's ills, and each prepared to apply its own set of remedies. In these early stages — indeed, until recently — the movement's complexion was dominated by its "conservationist" wing. Conservationists saw the continuing rapid and unregulated exploitation of natural resources as a danger to the future prosperity and stability of the nation. Many of them were scientists, engineers and civil servants, and most all were adherents of what Samuel P. Hays described as "the gospel of efficiency:" the application of scientific management techniques to improve and rationalize the functioning of the market.[4]

The other side of the environmentalist coin in these days represented something almost revolutionary. If the conservationist wing's "utilitarian" response to the crisis engendered by industrialism could be described as an evolution of the traditional tenets of Western modernism, the preservationist wing's response began instead with a profound skepticism toward modernity's supposed virtues.

It is important at this stage in the discussion to note that both wings of the environmental movement, whether pro- or anti-modernist, shared certain fundamental beliefs, without which an effective movement would not have been possible: a sophisticated cultural appreciation of the natural world's ecological complexity and aesthetic beauty; a middle class commitment to grassroots democratic process and the Jeffersonian ideal of equity in land

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ownership; and, perhaps most importantly, a fierce and highly *moral* dedication to the ideas of a "public trust" or "national interest" in protecting natural resources.

THE MEXICAN CASE

In the case of Mexico, the picture is strikingly different. In contrast to the United States, Mexico has had, since the colonial era, a quasi-feudal agricultural system stubbornly inured to periodic attempts at land reform, an elite-dominated authoritarian political system lacking all but the most rudimentary features of civil society, and has not, until very recently, been able to achieve significant industrial development.[5]

The Spanish conquest of Mexico inaugurated a persistent pattern of land use and political domination which has yet to be broken. The system of land grants, or *encomiendas*, awarded to faithful servants of the Crown guaranteed total control over the wealth and inhabitants of vast tracts of the country to a very small class, in perpetuity. After Independence, the *hacienda*, or *latifundio* carried on this feudal tradition. One nineteenth century observer had these remarks on the subject:

> *With some honorable exceptions, the rich landowners of Mexico...resemble the feudal lords of the Middle Ages. On his seigneurial lands, with more or less formalities, the landowner makes and executes the laws, administers justice and exercises civil power, imposes taxes and fines, has his own jails and irons, metes out punishments and tortures, monopolizes commerce, and forbids the conduct without his permission of any business but that of the estate.*[6]

Even after the first serious attempt to hasten the disintegration of the feudal system — the liberal Benito Juarez's *La Reforma* of the 1860s — the pattern of land concentration continued unabated. As part of his program to bring capitalist relations to Mexico, Juarez's decrees opened the way to further attack on communal Indian lands, which had hitherto had some protection under the colonial *Law of the Indies*. However, instead of promoting the "yeoman farmer," the end result was the creation of an internal frontier for further exploitation by the great landowners. This in turn fueled the trend toward monoculture of export foodstuffs and cattle-raising, with a concomitant pauperization of the peasantry. Since this period, Mexico has proven itself increasingly unable to satisfy domestic food needs, necessitating rising imports, and government subsidy of large producers. All of this exacerbates Mexico's chronic dependency on foreign interests and its own regional oligarchies, making the prospects of land reform, modernization and democracy even dimmer.

"...the fact that the Mexican middle classes have been historically small, weak, and almost entirely confined to the cities makes their perspective very different."

In contradistinction to the United States, the fact that the Mexican middle classes have been historically small, weak, and almost entirely confined to the cities makes their perspective very different. At no point in the nation's history was settlement carried out by a single, relatively homogeneous middle-class group vying for one thing — forty acres and a mule. The system of landholding in Mexico rested on the forced exclusion of the majority — mostly Indian or Mestizo — of the population from access to the land. Hence the interests of the elite to retain their exploitive dominance of the land-hungry masses in the countryside precluded the very idea of tempering the exploitation of nature. It is also pertinent to note that Mexico never reached an "end of the frontier" stage in the American sense — the persistence to this day of territorial conflict between a small "white" elite and the Indian majority signifies an ongoing internal frontier which has given no pause for contemplating the national destiny. Moreover, Mexico is an extremely rugged, mostly arid country, where it is difficult and risky to produce crops, even if one has access to arable land.

The intellectual climate of Mexican history is also different, and here, maybe even more so than on the land, the heritage of Spain and the Catholic Church have proven incredibly durable. Firstly, the Spanish conquest of metal-rich Mexico was not a *colonization* in the same sense as were the English, French, or Dutch movements to North America. For 400 years Spain's activities in Latin America were almost exclusively directed at the rapid extraction of

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wealth in the form of commodities. The effort to convert the heathen was, in terms of governable labor, integral to economic colonization. Also, Spain invested in heavily-populated Mexico mainly through military occupation, not through massive resettlement of troublesome or surplus citizens.

Secondly, this period of Spanish expansion coincided neatly with the Inquisition at home, and as a consequence ideas were as regulated in the New World as were gold or slaves. The Spaniards who came to the New World had been conditioned in a Counter-Reformation climate which had effectively rooted out of Spanish soil any shred of those ideas — natural-rights philosophy, participatory civic organization, free scientific inquiry, and especially religious freedom — which subsequently made the rest of North America's radical political and social innovations possible.

"...the ground [for republican ideals] was unfit due to centuries of inertia, isolation and social stratification..."

When independence eventually came to Mexico and Latin America, the leadership which supplanted Spanish dominion failed in the majority of cases successfully to impose on their societies the republican ideals under which they had campaigned. The ill-digested fragments they had borrowed from American and French liberation proved in the long run to be unsuited to Latin American reality. This is partially because the ground was unfit due to centuries of inertia, isolation, and social stratification, and partially because the new ruling classes were substantially the same as the old and saw little to quarrel with in their own cultural inheritance.

Accordingly, Mexico's belated reception of Enlightenment thought in the nineteenth century was filtered through a thickly anachronistic, baroque sensibility. Thus, although Mexico was quite strongly influenced by romanticism, it was of a peculiar sort, stressing the militarist themes of patriotism, stoicism, and "heart and soul" nationalism, over the introspective individualism and nature worship of its Northern European and American counterparts. Latin American romanticism also eschewed the idealization of the Indian as noble savage and the rejection of industrialization in favor of an image of the *indio* as a bloodthirsty enemy of embattled civilization. Contrary to any "back-to-the-land" denunciation of the materialism and degradation of urban existence, Mexican romantics and conservatives alike held rural life and rural people — the vast majority — to be "barbaric." For them the question was always different — how to achieve modernity, how not to reverse or temper it.

And, whereas the capitalist countries went on to produce anti-modernist naturalism and realism, Mexico's chief *-ism* at the close of the nineteenth century — a bellwether period for American conservation — was positivism: a doctrine that elevated order and progress above freedom, and proposed to build a bourgeois society *without* democratic institutions. The Liberal president Francisco Madero, regarded as "the father of the Mexican Revolution," stated emphatically that he saw democracy as little more than an instrument of social control, and that, "The lower classes do not determine who should hold the reins of power. Democratic nations are generally ruled by party leaders drawn from a small number of intellectuals."[7]

This posture has proven to be a permanent inheritance for the political leaders of the Mexican Revolution. The quasi-feudal agricultural system, oligarchical domination and corruption that existed before the revolution not only continue to hold sway, but also hopes for an expanded, politically active middle class have not resulted. The mutual toleration of elites, combined with the skilled manipulation of dissent and social unrest through cooptation — a practice invented by the infamous dictator Porfirio Diaz, who observed that "a dog with a bone in its mouth neither kills nor steals"[8] — has become an institutional aspect of Mexican political life.

Compounding Mexico's problems, the shocks of the uneven and premature development forced on the country, not only by its leaders, but by the concerted pressure of foreign industrial and banking interests, have created a crisis situation in which the immense foreign debt, chronic devaluations, and burgeoning population growth all conspire to sow chaos in the economy. Much of this must be attributed to the Mexican regime's adherence to the model of export-led growth which has, since 1940, dramatically and critically worsened the agricultural situation.

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As we will see more fully below, the early promise of the *Revolucion Verde,* or Green Revolution, to increase production has only done so for the export agribusiness sector, while production of basic foodstuffs for domestic consumption has fallen to disastrous levels. And while Mexico has had considerable success in promoting its export agriculture, any gains have come at the high cost of extreme and irreversible soil damage, deforestation, and massive expropriation of peasant lands. Against such a tide, it is hard to imagine *any* environmentalist movement having much success, no matter how well-organized.

TOWARDS AN ENVIRONMENTAL ETHIC

However, despite the fact that the extreme condition of the social structure would seem to make environmentalism in Mexico an impossible dream, some recent progress has been made toward the elaboration of a coherent and distinctly Latin American environmentalism. As in the American case, this development occurred at a specific point in the material history of the nation, a point at which perception of the natural world as a serious problem and constituent factor in the nation's economic and social development coincided with a stock-taking of the society's direction. But in the Mexican case, the point of perception fell a century later, primarily in the 1970s.

"It was not until the 1970s that larger numbers of Mexicans paid any real attention to environmental degradation, and this because the problem suddenly became too dramatic to ignore."

This is not to say that there were no antecedents. Tracing their roots for the most part to the signal examples of their North American and European counterparts, Mexican and Latin American environmentalists also can and do boast of having their own tradition. Although they claim no figure equivalent in stature to John Muir, much attention has been given recently in the press to a reevaluation of the region's history in a search for role models. Alexander von Humboldt, Simon Bolivar, and the Argentine-born William Henry Hudson are a few examples of newly discovered "conservationist" precursors.[9] Though most of the examples usually cited are Germans or Englishmen who, like Darwin, spent important years in the region, boosters will point out that Latin America and Latin Americans nevertheless played a key role in the history of the natural sciences and ecology.

It is also noted that, although directly derivative of the US experience, an effort to establish national park systems in several countries was underway only a few years after the establishment of Yellowstone in 1872. Mexico, in 1876, established the forest reserve "Desierto de los Leones," which was converted to national park status in 1901. During the liberal regime of Lazaro Cardenas (1935-1939) 36 parks in 17 locations were created, and this number has so far risen to 55. Though this might seem promising at first, these parks amount to a mere 0.4 percent of the national territory. They are primarily coniferous timber (not ecological) reserves, and their administration has been less than exemplary: "The majority were established without preliminary studies; they are basically concentrated in areas of temperate forest, and all contain already disturbed vegetation. Often the areas are very small and in many cases the parks are closely bound to urban centers."[10] Mexico has also had its share of botanical and wildlife protection societies, although they were neither as influential nor as broadly "conservationist" in intention as their foreign counterparts. Since 1940, which saw the ratification by sixteen OAS member nations of the *Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere* — a timely response to the *Convention for the Protection of Nature* signed by the British Commonwealth and Belgium in that same year — regional and national organizations have continued their efforts toward wildlife preservation.

But it was not until the 1970s that larger numbers of Mexicans paid any real attention to environmental deterioration, and this because the problem suddenly became too dramatic to ignore. This must be understood in the context of Mexico's path toward industrial development, which by that decade had reached a critical mass of both intensity and unresolved contradictions between the old Mexico and the new.

Mexican industrialization is generally divided into three stages:[11]

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1. (1890-1910) the initial elaboration of an industrial base — glass, dynamite, cement, tobacco, textiles, etc. — under the *Porfiriato*, or administration of Porfirio Diaz, whose policies favored heavy foreign, mainly British and American, investment in extraction industries, and saw the building of railroads and infrastructure as linking northern Mexico definitively with the economy of the US and Southwest;

2. (1910-1940) "the period of reconstruction and consolidation,"[12] stretching from the Mexican Revolution of 1910 through the Great Depression, a period of comparative stagnation; and

3. (1940- the present) "the period of expansion," beginning with import substitution efforts during the Second World War and the Korean conflict, programmatic nationalizations of key industries, and integration into the global marketplace.

Yet, from the standpoint of environmental quality, heavy industrialization *per se* played only a partial role in generating the crisis of the 1970s and 1980s. What is more significant in "*la Crisis*" is the disastrous effect wrought by the industrial transformation of traditional agriculture that was occurring almost simultaneously in the countryside. Once self-sustaining in basic foodstuffs, Mexico was to become in the post-war "period of expansion" a net importer of grains — all in the pursuit of a costly industrialization which required an ever more intensive export agricultural sector to finance it. Governmental policy veered toward assigning agriculture the role of foreign exchange earner to support industrialization and provide it with an internal market, and domestic food security fell by the wayside. Steven Sanderson describes the shift in agricultural policy as a "disarticulation of production from consumption:"[13]

> *As the economy shifted from a rural to an urban setting and from agriculture to industry after World War II, the shape and meaning of crop and cattle production also shifted. Agriculture was no longer the engine of growth for the Mexican economy; it was instead the adjunct of industrialization. Basic food production was no longer the goal of the agricultural system; it was geared increasingly to support agribusiness processors, retailers, and intermediaries....*[14]

Active government intervention on the part of the export agricultural complex has been widespread. From the financing of dams, irrigation projects, and infrastructure, to enforced equities in access to credit and price supports, government policy has radically favored irrigation — and therefore agribusiness export production in the northern border states — over rain-fed staples cropping up in the south. As foodstuffs production suffers and prices rise under the influence of foreign markets, so too are the peasantry forced off the land and into migrant labor or the already crowded cities.

Even the much-heralded advent of the Green Revolution, though perhaps quite successful on Mexican soil in terms of advances in plant genetics, resulted only in the exacerbation of the trend toward large scale agribusiness production for export. Although the new, high-yield seeds and techniques initially promised increased food self-sufficiency to developing countries like Mexico, the enormous capital requirements of Green Revolution-style farming actually have helped to speed the economic extinction of traditional smallholder agriculture. Ignacy Sachs writes: "...a highly capital-intensive package was offered to solve the problems of peasants and countries starved of capital."[15]

"...the speed and anarchy of Mexican hyperurbanization and agricultural concentration quickly led to a crisis situation..."

The industrialization of Mexican agriculture systematically increased the country's dependence upon foreign interests, markets, and subsidiary producers for its visibility. In the space of a few decades this process arrived at, as Sanderson writes, "the removal of food policy from the public realm."[16] Further, by the 1970s agricultural industrialization had exacted a dear cost in soil erosion, water pollution, and massive social dislocation. In effect, the watershed of 1970-1980 must be seen as the first fruition of a devastating process, begun in 1940, of rural decapitalization and uncontrollable urbanization. And while it is true that these processes had not been in motion as long or as intensely as in the developed world, the speed and anarchy of Mexican hyper-

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urbanization and agricultural concentration[17] quickly led to a crisis situation, as one writer concluded:

> *From the point of view of quality of life and the environment, the period of 1980 to 1986 can be characterized as a crisis. Crisis because in this short time considerable changes have occurred which have aggravated the general state of the environment; crisis because the financial and economic situation of Mexico compromises civil peace and national security, in so far as our natural resources are being exported to pay, not the principal, but the service on the external debt; and crisis as well because we find ourselves in a decisive moment in which humanity has put itself at a crossroads* (encrucijada — *also* trap *or* ambush).[18]

As the development process churned forward, so too did an increasingly frightening level of environmental damage reverse any gains made in the quality of life of the impoverished majority. The population explosion, rampant deforestation and desertification over 80 percent of the country, chronic and dangerous atmospheric pollution, severe marine damage due to oil spills and overfishing, urban congestion, contamination in food and water, even high levels of DDT in mother's milk, all tarnished the regime's promises of economic prosperity. Further, any assessment of ecological damage is forced to reckon with the extreme havoc that the development process has wrought on Mexico's social structure proper:

> *...what has occurred is a phenomenon of severe social disorganization. Urban neurosis, transportation problems, environmental contamination and other, repeatedly listed problems, contribute to generating violence of the most diverse variety: delinquency, crime, corruption, suicide, and growing inconformity with political and governmental institutions.*[19]

It is probably fair to say that Latin America's leaders, in the headlong rush toward industrial prosperity, had not spent much time contemplating the possibility that Mother Earth would one day stand implacably in the way of their dreams. It is thus understandable that they may have been caught off guard by the sudden international concern which led to the convocation in 1972 of the U.N. World Conference on the Environment held in Stockholm.[20] At this assembly and later, in response to growing international pressure that countries such as Mexico act to control their population growth and resource exploitation, political and business leaders stubbornly held to the assertion that environmental degradation was in essence a creation of voracious First World consumption, and that countries on the road to development could not afford to sacrifice vital progress against what they termed "the contamination of poverty and underdevelopment." At Stockholm, OAS Secretary General Gallo Plaza Lasso summed up the general Latin American position, which saw rapid development and explosive population growth not as the causes of environmental deterioration, but as its solutions:

> *The developed countries must understand that countries engaged in all-out struggle to improve the well-being of their people tend to see strict environmental controls as a luxury they cannot afford....The Latin American countries...see the conflict between development and environment as a false dilemma, since both must be taken into account in the integral effort to improve man's well-being.*[21]

However, independent Mexican intellectuals soon began to reevaluate their positions in the development debate, questioning the regime's absolute subordination of ecological issues to industrialization. They realized that real development had not materialized, and that an enormous cost was being paid for whatever meager progress they could claim. On the contrary, Mexico's previously critical problems had only worsened, at least for the ever-growing majority, and it was becoming clearer that the "well-being" spoken of by the General Secretary was meant only for the powerful few who were carrying out the wholesale exploitation of the nation's natural resource endowment without regard for future generations. In the early 1970s a cursory investigation would have demonstrated that at least 80 percent of Mexico City's industrial air pollution was caused by only 70 sources, many of which were either foreign- or government-owned.[22] Moreover, it has long been obvious that these interests are functionally above efforts to enforce the law. One

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writer, in castigating governmental agencies for their inability to enforce environmental sanctions against both private and state-owned enterprises, stated that, "The pressure [the industries] apply to avoid the application of the law is both constant and public."[23]

The cynicism and contempt with which government environmental protection policy is viewed is frequently voiced within the intellectual community. One writer, describing the "neglect" shown by "Mexico's institutional response to the air pollution problem," went so far as to conclude that "the line of action...leads us to question the directive of our institutions in safeguarding the well-being of the population."[24]

"...at least 80 percent of Mexico City's industrial air pollution was caused by only 70 sources, many of which were either foreign- or government-owned."

Mexico's embrace of environmentalism in the last two decades has had a different tone than its counterparts in the developed world, as it is a reaction to what is essentially a Third World modernity, with characteristics all its own. In Mexico one speaks of modernity with a grain of salt as this denotes a peculiar state of affairs in which a fully modern, American-style consumer media culture has been crudely overlain onto an insufficiently dissolved structure of feudal poverty. The awareness of these contradictions, integral to the Mexican Left's traditional critique of capitalist development, was similarly seen to be a necessary and fundamental aspect of any environmental discourse. Taking cautionary heed of the success of Green political movements in Europe, Mexico's Left soon launched an effort to, in a sense, *annex* the infant environmental movement to its broader agenda, and has even obtained guidance from traditional German liberal Left parties who were shut, dumbfounded, out in the cold by the swift rise of *Die Grune*.[25]

One obstacle to be overcome in this process was the Left's initial distrust of environmentalism as an attempt by "the developed Western countries...to distract attention from the true struggle of the people."[26] They likewise questioned what they saw as environmentalism's failure to offer, in its critique of their abuses, an alternative development plan for the developing world.[27] Accordingly, Mexicans began early to question the model of American environmentalism as being insignificantly critical of the society's base, as one commentator expresses:

> *The ecological movement was born in the U.S. ...as a cause of liberal groups; groups which, in general, have not distinguished themselves for their capacity to confront the basic problems of North American society.*[28]

Realizing that the defense of the environment is, for many Mexicans, essentially a class issue, environmentalists have tied their efforts to a broader critique of Mexico's dependency and domination by an internal elite. This critique owes much to the belief that Mexico's environmental catastrophe is an integral aspect of economic dependency on the United States and other industrialized nations.

The critique of Mexico's traditional "style" of dependent development from an environmental standpoint has given rise to a widely embraced and, in some quarters, increasingly radical doctrine of *ecodesarollo*, or *desarollo sin deterioro* (development without deterioration). Although its exact form is actively debated across the wide spectrum of Mexican political life, *ecodesarollo* proposes to reformulate Mexico's development strategy through the scientific management of resources, the introduction of labor-intensive technologies more appropriate to the tropics, and most centrally, by legislating a more equitable distribution of land and wealth. Particularly with regard to redressing the past and current failures of Mexican agricultural policy, *ecodesarollo* has offered an array of sustainable development alternatives geared toward guaranteeing domestic food security, protecting resources, and creating adequate employment of the rural, landless poor.[29] These programs are extremely promising, at least theoretically, as *ecodesarollo* has yet to prove itself capable of challenging the powerful, global forces which have thus far dictated Mexico's industrial and agricultural development.

Not surprisingly, most proponents of *ecodesarollo* are highly nationalistic and staunchly in favor of industrial modernization — albeit of a more benign variety — insisting that poverty and wealth are Mexico's real forms of pollution. They are largely composed of university-trained intellectuals,

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and apparently without exception refuse to waver from an anthropocentric, use-oriented approach to nature. Mexican environmentalism can thus be fruitfully compared to the pre-1960 American conservation of the "gospel of efficiency" type, except that in Mexico, environmental questions as yet rarely admit of an "aesthetic" component, and are even more strictly and systematically subordinated to purely economic rationales.[30] Indeed, it is improbable that the "preservationist" valorization of nonhuman nature that has animated so much of recent American environmentalism will ever play a role in Mexican politics, so fixed are Mexican and Latin American aspirations on the as-yet embattled primacy of man. This attitude is aptly, though rather unsubtly, expressed in this description of some unnamed portion of the American environmental movement by Luis Vitale, a prominent marxist theorist and writer on the environment:

> *In reaction to the environmental deterioration provoked by urban industrial society, there has developed a movement, permeated with a metaphysical conception of nature, that postulates a return to agrarian society, an idealist position which slips into an ingenuous naturalism without destination.*[31]

One consequence of this attitude is that, with few exceptions,[32] there persists a general consensus that population growth does not represent a problem for *ecodesarollo*, is perhaps even something to be proud of, and that concerns to the contrary belie racist First World manipulation to maintain the status quo of dependency and domination. In this respect it is illuminating to read the list of items of high environmental concern specified by the Mexican government in a full-page advertisement (published in the *Los Angeles Times* and other major U.S. newspapers on June 4, 1990): "Emphasis will be on...such problems as acid rain, desertification, loss of species, contamination of the oceans, and atmospheric changes." Not very close to home.

Another consequence of the peculiar character of nascent Mexican environmentalism, and one that is readily acknowledged, is that the self-styled environmentalist *avant-garde*, true to form, has had little success in galvanizing public opinion. Environmentalists concede that "progress...has been slow and at times not very effective," partly due to a lack of education and concern on the part of the citizenship, and partly "because all the activity, in many cases, has been limited to lyrical declarations."[33] However, recognition of the necessity for grassroots political participation has led to an unprecedented commitment on the part of environmentalists to join the struggle to democratize Mexico's political institutions:

> *Today, we must recognize that the fight for a clean environment, for a rational use of resources, requires democratic processes and a politics which curtails inequality and injustice....*[34]

With luck the fruit of this renewed effort toward political change will be the unprecedented harnessing of the "accumulated sociopolitical unrest" of the Mexican masses for the environmental cause. And yet, just how quickly Mexico's environmentalists will prove successful in overcoming the immense structural obstacles posed by their society remains an open question. Certainly the changed international climate of awareness of environmental problems and the increasing interdependency of the developed and developing worlds will continue to exert pressure for positive change. ■

NOTES

[1] Donald Worster ed., *The Ends of the Earth:Perspectives on Modern Environmental History*, (Cambridge: Cambridge University Press, 1988).

[2] Alan Weisman with photographs by Jay Dusard, *La Frontera: The United States Border With Mexico*, (New York: Harcourt Brace Jovanovitch, 1986), p.37.

[3] Stanley R. Ross ed., *Views Across the Border: The United States and Mexico*, (Albuquerque: University of New Mexico Press, 1978), pp.333-334.

[4] Clayton Koppes among others has pointed out that, although straightforward economic prudence may have accounted for much of environmentalism's early success in influencing policy, the Progressive era conservationists were equally committed to the democratic ideal of equity in land ownership and access to other resources. "The equity argument," he writes, "stressed that natural resources belonged to all the people and should be retained in public control in order to prevent their concentration in the hands of the few and to insure that the benefits of resource development were distributed widely and fairly." Clayton R. Koppes, "Efficiency/Equity/Aesthetics: Toward a Reinterpretation of American Conservation," *Environmental Review*, vol.11, no.2 (Summer 1987), p.130. cf. J. Leonard Bates,

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"Fulfilling American Democracy: The Conservative Movement, 1907-1921," *Mississippi Valley Historical Review*, XLIV (1957).

[5] My commentary on Mexican history is drawn from numerous sources, among them: Alan Knight, *The Mexican Revolution*, (New York: Cambridge University Press, 1986); *Authoritarianism in Mexico*, eds. Jose Luis Reyna & Richard S. Weinert, (Philadelphia: Inst. for the Study of Human Issues, 1977); Leopoldo Allub, *Origenes del autoritarismo en America Latina*, (Mex DF: Editorial Katun, 1983); Carlos Herrejon Peredo, *Historia del Estado de Mexico*, (Toluca: University Autonoma del Estado de Mexico, 1985; John S. Leiby, *Colonial Bureaucrats and the Mexican Economy: Growth of a Patrimonial State*, 1763-1821, (New York: P. Land, 1986).

[6] Benjamin Keen and Mark Wasserman, *A History of Latin America, 3rd Ed.*, (Boston: Houghton Miflin Co., 1988), p.178.

[7] *Ibid.*, p.275.

[8] *Ibid.*, p.212.

[9] cf. Hanno Beck, "Los paises tropicales como iconografia natural: Alexander von Humboldt y los comienzos del pensamiento ecologista," *Humboldt*, vol.25, no.83 (1984), pp.22-29; Tomas Perez Tenreiro, "Bolivar y sus decretos conservacionistas," *Boletin de la Academia Nacional de la Historia* (Venezuela), vol.66, no.263 (July-Sept. 1983), pp.597-604; and Helen Tzitsikas, *El Sentimiento Ecologico en la Generacion del 98*, (Barcelona: Borras Ediciones, 1977).

[10] Fernando Ortiz Monasterio, *Tierra profanada historia ambiental de Mexico*, Colecion Divulgacion, Instituto Nacional de Antropologia e Historia, Secretaria de Desarollo Urbano y Ecologia, Mexico, 1987, p.235. (Note: all translations from the Spanish are the author's.)

[11] Raul Bejor Navarro, and Francisco Casanova Alvarez, *Historia de la Industrializacion del Estado de Mexico*, (Mexico: Biblioteca Enciclopedica del Estado de Mexico, 1970), pp.81-104.

[12] *Ibid.*, p.90.

[13] Steven E. Sanderson, *The Transformation of Mexican Agriculture: International Structure and the Politics of Rural Change*, (Princeton, NJ: Princeton University Press, 1986), p.8.

[14] *Ibid.*, pp.48-49.

[15] Ignacy Sachs, "Towards a Second Green Revolution?" in *The Green Revolution Revisited: Critique and Alternatives*, Bernhard Glaeser, ed., (London: Unwin Hyman, Ltd., 1987), p.193.

[16] Sanderson, p.11.

[17] Urban vs rural proportion of Mexican population — 1940: 28.87/78.13, 1950: 28.90/71.10, 1960: 39.30/60.70, 1970: 48.60/51.40, 1980: 60.20/39.80. Mexican population growth 1940-1985: 20 million to 80 million. (Figures from Monasterio, *ibid.*, p.232.

[18] Monasterio, *ibid.*, p.271.

[19] Jorge Montano, "Los asentamientos humanos y el desarollo mexicano," in *El medio ambiante en Mexico y America Latina*, Francisco Szekely, ed., (Mexico: Editorial Nueva Imagen, 1978), p.64.

[20] Santiago R. Olivier, *Ecologia y subdesarollo en America Latina*, (Mexico: Siglo Veintiuno Editores, 1981), p.12.

[21] Gala Plaza Lasso, et al. "The Development Dilemma: Is It Necessary?" *Americas*, vol.24, no.9 (Sept. 1972), pp.3-7.

[22] Ivan Restrepo, "La ecologia," *Revista Mexicana de Sociologia*, vol.47, no.1 (Jan.-Mar. 1985), p.226.

[23] *Ibid.*, p.23.

[24] Francisco Szekely, "Las problemas ambientales de Mexico," in Szekely, *ibid.*, p.30.

[25] An example is the collection of essays funded by the Friedrich Ebert Foundation (Social Democratic Party) of the Federal Republic of Germany: *Ecologia y politica en America Latina: Consecuencias de la industrializacion y el desarollo sobre la ecologia*, (San Jose, C.R.: CEDAL, 1984).

[26] *Ibid.*, p.23.

[27] Ivan Restrepo, "Aplicaciones practicas del ecodesarollo," in Szekely, *ibid.*, p.100.

[28] Cinna Lomnitz, "Ser o no ser: La cuestion ecologia," *Dialogos*, vol.7, no.3, 1971.

[29] The literature on *ecodesarollo* and sustainable development is copious and widely available in both English and Spanish.

[30] In support of this, one need only note that the sole significant exception to the Mexican Government's lackluster environmental performance is provided by the nationalized tourism industry, where authorities have responded to the threatened loss of tourist dollars with pesos and political muscle to clean up beaches and bays. cf. Roberto Boullon, *Turismo y medio ambiente*, Direccion de Publicaciones O.P.N., (Mexico: Ediciones Politur no.3, 1988); and Sergio E. Molina, *Turismo y Ecologia*, (Mexico: Editorial Trillas, 1982).

[31] Luis Vitale, *Hacia una historia del ambiente en America Latina*, (Mexico: Nueva Sociedad/Editorial Nueva Imagen, 1983), p.108.

[32] See for example: Enrique Beltran, "El principal problema ecologico es el crecimiento demografico," *Revista Tiempo*, vol.87, no.2242 (April 22, 1985).

[33] *Ecologia y politica en America Latina: consecuencias de la industrializacion...*, *ibid.*, p.121.

[34] Restrepo, p.231.

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Editor and publisher of The Social Contract *John Tanton contributed this book review.*

HISPANIC ASSIMILATION: Does the Past Predict the Future?

A Book Review

OUT OF THE BARRIO: TOWARDS A NEW POLITICS OF HISPANIC ASSIMILATION
By Linda Chavez. Basic Books, 1991, 203 pp.

I got to know Linda Chavez a bit during the fourteen months that she served as president of U.S.ENGLISH. I was chairman of the board during that time. I write this review in the living room of my home, where she visited my wife and me for discussions, after assuming the U.S.ENGLISH post.

I came to have a solid respect for her. She's bright, tough, writes well, and is well spoken — there are no 'ums or 'ers in Ms. Chavez's vocabulary. She has, in fact, all the qualities that the Manhattan Institute looks for in the authors they sponsor, as they did in this instance. The Institute is not content simply to support a book and then let it contend for attention unaided among the other tens of thousands of titles that appear each year. Rather, they want an attractive, articulate author who can handle the talk circuit, meet the press, or testify before Congress if need be. Ms. Chavez has filled this bill very well, judging from the attention that her book has received. The Institute can chalk up another publishing success.

Out of the Barrio is easy reading. It begins with a good review of the "bilingual battleground" that is a helpful summary of how the drive for bilingualism and biculturalism got under way. Chavez tells how what started out as a short-term transitional program ended up as a long-term maintenance program, not only for language, but for culture as well. She writes of the cadre of teachers, academics, and publishers that has built up to feed off the federal largesse that goes along with the program.

Next Chavez examines the bilingual ballot provisions of the Voting Right Act, ably boiling down Abigail Thernstrom's 1987 book, *Whose Votes Count? Affirmative Action and Minority Voting Rights*. What started out as an "equal opportunity" proposal evolved, with the help of court decisions and administrative rule-making, into an "equal results" program. The bilingual ballot portion of the Voting Rights Act is up for renewal this year, with an extension proposed to 2007. Some hearings have already been held. We can hope that Chavez will weigh in on this issue with Congress, where the real battle gets fought.

"Chavez recognizes, as few other commentators do, that today's immigration from Latin America is different in many ways from that which came from Europe at the turn of this century."

Next Chavez turns her attention to the inner workings of the Hispanic lobby. She tells us how groups such as the League of United Latin American Citizens (LULAC) and the Mexican American Legal Defense Fund (MALDEF) were formed and funded, and how they have become self-perpetuating bureaucracies with no constituency among the grassroots Hispanics themselves. For instance, MALDEF has no members, and, if the piper calls the tune, must represent chiefly the Ford Foundation, which for many years has provided the bulk of the MALDEF budget.

In society as well as in physics, "to every action there is an equal and opposite reaction." In the chapter entitled, "The Backlash," Chavez tells how resistance began to develop among the general public to the inroads that were being made by advocates of bilingualism for education and voting. She treats briefly the incident that led to both her and my leaving U.S.ENGLISH. She's more restrained in this than many would have been, but I would still like to correct her statement of my positions. Chavez writes

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that "Tanton favors rigid restriction on immigration, and is particularly anxious to limit the number of low-skilled Latin immigrants coming to the United States." I favor an overall ceiling on immigration of about 300,000 per year, which is the historic average going back many decades. Is this "rigid?" I do believe we should limit the number of low-skilled immigrants, of whatever nationality, if we hope to compete in world markets. We need a highly skilled work force, not the opposite. What are Chavez's positions on these points? She doesn't tell us.

The word "xenophobia" also creeps in. In that connection, you may see Roy Beck's essay on pages 144 ff of this issue. Chavez correctly states that current restrictionist sentiments on immigration are in part a response to past high levels of immigration, and to the bilingual ballot and education initiatives.

In the chapter on "An Emerging Middle Class," Chavez makes her main argument: "Hispanics are doing much better than they are given credit for, especially if one desegregates the highly diverse group that travels under this term." Given high levels of immigration in recent years, she states that it is particularly important to separate out recent immigrants from those who have been here for a generation or two. She acknowledges that there are plenty of problems (as there are throughout all sectors of society), but feels that Hispanics are making substantial progress.

The role of immigration in Hispanic affairs is pointed out in many places through the book, and there is a separate chapter entitled, "The Immigrants." It contains a particularly good section on "how Hispanic immigrants differ from previous groups." Here Chavez recognizes, as few other commentators do, that today's immigration from Latin America is different in many ways from that which came from Europe at the turn of this century. Closer proximity to home enables return visits; our government offers services in education in foreign languages, chiefly Spanish; Spanish-language radio and television, originating both at home and abroad, all make it easy to keep touch with the original language and culture. She even mentions the "moratorium" (my term) that very much slowed down immigration from 1925-1950. It consisted of the Immigration Act of 1924, followed by the Great Depression and World War II. Few immigrants came during this 25-year period. This gave a chance for the great engine of assimilation to work.

Ultimately, however, Chavez is defeatist on immigration, feeling that it cannot be controlled. She does not examine what this might mean for Hispanics — and everyone else in the United States — given that the world population is increasing by a quarter of a million persons *every day*... equivalent to a new Los Angeles every month. She shows no understanding of the scale of the "push" pressures that are developing around the world. (For instance, the *net* increase in the work force in the less-developed countries from 1990-2010 will be about 730 million — which is greater than the *total* current work force in the more developed countries!)

"Chavez soundly recommends that public bi-lingual education should be short-term and rapidly transitional to English."

With a detour through the special problems posed by the Puerto Ricans, Chavez comes to her final chapter on a "new politics of Hispanic assimilation." It is here that we have the book's greatest anomaly. As to language and culture, Chavez soundly recommends that public bilingual education should be short-term and rapidly transitional to English, and that Hispanics (or anyone else) wishing to maintain their traditional language and culture are welcome to do so — on their own time and at their own expense. As to political participation, Hispanics (like everyone else) should not rely upon the affirmative action of the Voting Rights Act. Concerning higher education, Hispanics will have to acquire it if they wish to have their income levels match those of other groups in the society; and entitlements based on ethnicity are a bad idea.

The anomaly is that in a book that acknowledges that it deals in substantial measure with the effects of immigration policy, there are no specific recommendations about immigration. Chavez gives us the standard canard about ours being a "nation of immigrants" (can you name a nation that isn't?), and a dose of pessimism on the chances of controlling the border. But there are no recommendations on the three fundamental questions of immigration policy, which we outline inside the

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issue of this journal:

1. *How many* of the millions who would like to come here shall we admit?
2. *Who* will be chosen to immigrate, and what should the criteria be for choosing?
3. *How* shall we enforce the rules we decide upon?

Should we throw open the borders and let all come as fast as they wish to, and with no regard to educational level, health or other factors? I'm sure, from talking with Linda, that she does not favor such a move. Should we admit people who are poorly educated and looking for manual labor, or those with skills that are marketable in an advanced economy? We need answers to these fundamental questions, rather than simply abandoning Hispanics and everyone else to the pressures of worldwide population growth and other problems.

The reason for the author's reluctance is not difficult to find: the Manhattan Institute, which supported Chavez's work, belongs to *The Wall Street Journal* "open borders crowd." Reaching any conclusion other than this, regardless of how moderate, would simply not be acceptable to her sponsor. Better to finesse any statement on causes and just deal with symptoms. That's the common approach in political circles — and Chavez is the quintessential politician.

Despite this one glaring weakness, this is a useful book for all interested in the question of national unity, and the necessary (though not solitary) requirement for that unity of maintaining some degree of commonality of culture and language. ■

A Voice from the Past

Personally, I am against mass immigration, not because we already have millions of people unemployed, but for two other, I think more important, reasons. *First*, America needs to give herself a chance, to take time to merge and integrate her population, study herself and determine what she really is, and gain some control over her cultural destiny. *Second*, America has been too long a vent for European discontent. Let the European masses for the time stay where they are, without chance of escape; and let them bring their socio-economic-political-cultural crisis, which is at least a hundred years old, to a head and solve their problems while we work out our own. I believe that by adopting this policy we shall, in the long run, be doing the best we can for the future of Europe and America and all humanity. I agree with Struthers Burt who says — in his book *Escape from America* — that "the only possible hope for an intelligent internationalism in the future is an intelligent nationalism in the present."

— Louis Adamic in *My America*, pp. 208-9. Mr. Adamic was instrumental in having the poem, *The New Colossus* by Emma Lazarus, affixed to the pedestal of the Statue of Liberty, alluded to by Elizabeth Koed in his essay beginning on page 134.

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In her recent book, Out of the Barrio: Toward a New Politics of Hispanic Assimilation, *Linda Chavez contends that Hispanics are progressing toward the mainstream satisfactorily. Here is a contrary view reprinted by permission from* America, *published by the Jesuits of the U.S. and Canada, Volume 164, Number 10, March 16, 1991.*

HISPANIC CATHOLICS IN THE U.S.: NO MELTING POT IN SIGHT

By Timothy M. Matovina

The exodus from Catholic "ghettos" in the years following World War II is seen as a positive development by many Catholics in the United States. This perception often leads to the expectation that Hispanic Catholics will walk down the same path the others have trod before them, as is evidenced by statements like: "They'll integrate in another generation or so anyway. By offering services in Spanish, you're just holding them back. Other immigrant groups also felt 'put upon' when they first got here. This is just one more group going through the adjustment to American life. This too will pass."

Such statements are based on the mistaken contention that assimilation into the cultural milieu of the United States is inevitable for residents of this land, be they Hispanics or any other group. The continued insistence that Hispanics will soon pass through the assimilationist melting pot and "be American like us" is not only false, but also harmful for our Hispanic sisters and brothers, and thus for the church. There are at least seven differences between the situation of today's Hispanics and that of European Catholics who arrived during the great century of immigration (1820-1920).

"A steady flow of new arrivals continuously reinforces language and culture — [an] important difference between today's Hispanics and yesterday's European...immigrants."

Crossing el Rio, Crossing the Ocean

Perhaps the most important difference is the physical proximity of the countries from which Hispanics originate. Here it must be noted that many Hispanics are not recent immigrants, but have been here for generations. Others, e.g., Cubans and political refugees from Central America, are unable to return home at this time. Nonetheless, the fact remains that contact with the country of origin (and other countries where Spanish is spoken) is more frequent for today's Hispanic than for immigrants who crossed the ocean. Spanish television programs and improved transportation have added to the trend of greater contact with one's homeland and the larger Hispanic world. This contact reinforces language and culture and counteracts the effects of the melting pot.

Continuous Flow of Immigrants

One of the key factors in the cultural assimilation of German, Italian, Polish, Irish and other 19th-century Catholic immigrants was the legislation of 1924 that effectively curtailed further immigration. As the flow of first generation immigrants from each group waned, group acceptance of U.S. cultural values accelerated. Despite continuing efforts to restrict immigration, however, this pattern of declining immigration is not evident among Hispanics. A steady flow of new arrivals continuously reinforces language and culture and is a second important difference between today's Hispanics and yesterday's European Catholic immigrants.

Poverty

Another reason for the assimilation of European immigrants groups was the rise out of poverty to a better standard of living. This was particularly true in the years following World War II, when an unprecedented number of Catholics and others in the United States achieved middle-class status. For many, this financial success provided irrefutable evidence of the superiority of the American way. The move to the suburbs placed Catholics in ethnically and religiously mixed neighborhoods, further enhancing

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their identity as Americans and dissipating their ethnic consciousness.

Here again the situation of most Hispanics is decidedly different. When the provinces of northern Mexico were forcibly annexed through the wars with Texas (1836) and the United States (1846-48), for example, the 80,000 Mexican citizens who remained in the conquered territory did not achieve greater financial prosperity. In fact, many were impoverished by the illegal confiscation of their lands. Today poverty continues to be the burden of many Hispanics, and current economic trends suggest that the middle class will diminish rather than expand. Although there are exceptions, the rise to the middle class, which was so influential in the assimilation of other Catholics, is not occurring massively among Hispanics.

Racism

Even if material prosperity is realized, the issue of racism remains. It is with good reason that proponents of immigration reform have pointed to the symbolic irony that the Statue of Liberty faces Europe and has its back to Asia and Latin America. Hispanics are not alone in the experience of discrimination, of course. Almost every immigrant group had to endure some form of prejudice upon arriving in the United States. With Hispanics and other groups (most notably African-Americans) from outside of Europe there is frequently a critical difference, however: skin color. While white European immigrants could blend into mainstream American society once they knew the language and culture, the ethnic origin of most Hispanics remains readily apparent. Often subtle (and not so subtle) racist treatment is the result. Continuing racism leads Hispanics to band together for mutual support and to resist assimilation into a society perceived as unappreciative of the Hispanic presence.

Urbanization

Census figures of 1985 indicate that 88 percent of Hispanics in the United States reside in urban areas. The pattern of living in urban enclaves is not without precedent among Catholic groups. Most of the Irish who came in the 19th and 20th centuries lived in cities. Because of enduring racism and poverty, however, the tendency to live in urban clusters appears to be more persistent among Hispanics. Situated in what amounts to a transplanted San Salvador, Havana, San Juan, Mexico City, etc., Hispanic cultural patterns and the use of Spanish are reinforced and the effect of the melting pot is further neutralized.

Church Teaching on Cultural Adaptation in Ministry

Another difference between the situation of Hispanic Catholics today and that of 19th-century immigrant groups is the changing perspective on evangelization within the church. Pope Benedict XV's *Maximum Illud* (1919) was the first apostolic letter devoted exclusively to the church's missionary efforts in foreign lands. Subsequently, Pius XI, Pius XII and John XXIII promulgated encyclicals on the missions, and Vatican II issued the first conciliar document on this topic (*Ad Gentes*). These magisterial statements evidence a growing awareness that Catholic evangelization has too often promoted Western culture as if it were intrinsic to the Gospel. Since the council, the theme of adapting the proclamation of the Gospel to local cultures and customs has been further developed, e.g., in Paul VI's apostolic exhortation *Evangelii Nuntiandi* (1975) and John Paul II's encyclicals *Slavorum Apostoli* (1985) and *Redemptoris Missio* (1990).

"Seeing America as a stew pot rather than as a melting pot has strengthened the efforts of many Hispanics consciously to resist assimilationist pressures."

Hispanic theologians in the United States have pointed to the teaching on respect for culture in arguing that the image of the melting pot ought to be replaced by that of the stew pot. Just as in a stew pot each ingredient enriches and is enriched by the other ingredients, so too in our society the different cultures should be mutually enriching and should not overpower one another. Far from suggesting a mere superficial multiculturalism, the stew pot image ought to inspire the church in the United States to face the issue of culture in all its depth (see "The Crisis of Hispanic Ministry: Multiculturalism as an Ideology" by Allan Figueroa Deck, S.J., *AMERICA*, 7/21/90). This vision of a pluralistic society has also been articulated by grass-roots Catholics through the

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three national Hispanic *Encuentros* (1972, 1977, 1985), as well as by the National Conference of Bishops in their pastoral letters *The Hispanic Presence: Challenge and Commitment* (1983) and the *National Pastoral Plan for Hispanic Ministry* (1987).

Seeing America as a stew pot rather than a melting pot has strengthened the efforts of many Hispanics consciously to resist assimilationist pressures. Unlike that of German Catholics and others of the last century who also attempted to resist assimilation, Hispanic resistance has been buttressed by the magisterial teaching and theological reflection that place such efforts within the Gospel imperative.

Persistence of Popular Religion

Hispanic American theologians have suggested that resistance to the melting pot is manifested in popular expressions of faith. The persistence of their popular religion as a defense against the assault of assimilationist pressures is a further difference between the experience of today's Hispanics and that of European Catholics, whose cultural Catholicism faded with (or shortly after) assimilation. To the extent that popular expressions of faith continue to be practiced among Hispanics, group resistance to cultural assimilation will tend to be fortified.

This essay reflects the views expressed by Hispanic Catholic faithful, theologians and bishops over the past 20 years. Yet despite the numerous voices that have called for an end to an attachment to the melting pot, we as a church seem to be suffering from collective denial, from a refusal to hear anything except the naive claim that soon Hispanic Catholics will pass through the melting pot like others before them. This collective denial is the cause of much cultural insensitivity, poor pastoral planning and failure in Hispanic ministry. If acknowledgment of the truth about the melting pot became more common among us, our ministry with Hispanics would be greatly enhanced. ■

GM
MEXICANO
AUTOFABRICA
HOLD IT, MANUEL— THERE IS SOMETHING WRONG WITH THIS PICTURE.
TELL ME, ARE THEY HIRING U.S. BUSINESS EXECUTIVES?
NOT IF THEY VALUE THEIR FUTURE, THEY AIN'T

Their domestic economy a shambles, workers stream across the Rio Grande in search of work . . .

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Following up on the theme in Vol. II. No. 1 of The Social Contract, *the proposed free trade agreement with Mexico, we present a summary of a paper on the topic issued by the Center for Immigration Studies. David Simcox is the Executive Director of CIS. Copies of the complete report are available at nominal cost from 1815 "H" St., NW, Suite 1010, Washington, DC 20006-3604; (202) 466-8185.*

TRADE PACT COULD INTENSIFY EXODUS

Free trade is likely to increase immigration from Mexico to the United States before ultimately slowing it.

Rapid population growth, unemployment or underemployment of half the labor force, and vast ethnic and kinship links to the United States have given Mexican migration a stubborn momentum. Increased prosperity from free trade will give many would-be migrants the means to resettle in the U.S. Competition from U.S. and Canadian producers will displace Mexican workers in small farms, state-owned enterprises, and other less competitive industries, forcing some to migrate.

The non-economic incentives and expectations driving migration will also remain strong. Mexicans may see free trade as making the border a mere formality or as conferring an entitlement to live in the United States. North of the border, free trade may well further the U.S. government's traditional complacency about border controls. Industrial job growth in Mexico will tend to absorb the best workers and lower the average skill levels of those left unemployed who will enter the migrant pool.

Over the long term, however, a successful free trade agreement could reduce immigration by improving Mexicans' political freedom and quality of life, diminishing the prospects of mass asylum movements from Mexico, creating a better climate for effective family planning, and luring marginal, immigration-magnet industries from the U.S. to Mexico.

In the United States, less-skilled American workers and settled aliens in some industries and regions will be particularly vulnerable to job displacement and other disruptions from free trade. Particularly at risk will be workers in perishable crop agriculture, border retail trade, construction, apparel, and light manufacturing such as furniture, auto parts and glass. Continued heavy immigration of Mexican and other foreign workers into those industries and communities will further impede the adjustment of resident workers by competing for jobs and consuming public resources needed for retraining and job search.

To ease the adjustment of displaced workers, the US must make Mexico's cooperation in restraining immigration a condition for free trade. Mexico's cooperation should include:

- enforcement of its own laws against clandestine border crossing;
- action against alien smugglers, document forgers and transiting illegal aliens from Central America;
- curbs on the re-entry of aliens deported from the United States.

US initiatives that would cushion vulnerable American workers against the added disruption of immigration would be:

- more generous adjustment assistance and better basic education and skills training for U.S. workers;
- improved enforcement of safety, labor standards and residency requirements in immigrant-impacted firms and greater availability of legal workers for such firms;
- protection of public assistance resources through better screening and identification of applicants;
- curbs on imports of low-wage temporary foreign workers for U.S. firms that will have access to Mexican labor in Mexico.

Finally, the United States must consistently press Mexico for higher safety, environmental and labor standards at the workplace to improve the job satisfaction and quality of life of working Mexicans who might otherwise migrate, as well as to narrow Mexico's unjustifiably wide labor cost advantages over the United States. ■

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William Dickinson served for many years as manager of the Washington Post *Writer's Group. This organization syndicates the* Post's *writers to other papers. He is a writer himself, as this piece demonstrates so well.*

A LETTER FROM THE HEARTLAND

By William B. Dickinson

Dear Fellow Citizen:

From the west hills of Lawrence, Kansas, the Wakarusa Valley stretches off to a far horizon and gives the impression of endless space and plenty. Less than two centuries ago, Indian tribes wandered unhindered across the landscape and encamped on the banks of the Kaw River just to the north. Not until 1870 did buffalo disappear from Kansas. As a student at the university 40 years ago, I remember a downtown where merchants catered to farmers who came to town on Saturdays to cluck over the price of shovels and wheelbarrows. Kansans take some relish in never spending a nickel but they think it is a dime.

I have come home to Kansas as a semi-retiree after four decades in urban America. Much has changed. The population of Lawrence is booming — up 10 percent in the 1980s to 68,000. There's now a suburban feel to the place, with one of every eight people commuting daily to jobs in Kansas City (40 miles east) or Topeka (25 miles west). Traffic tie-ups are bad enough to warrant future construction of a mini-beltway to funnel vehicles away from the city. Save-the-downtown traditionalists are pitted against those who want to build shopping malls catering to baby-boomer families attracted by housing developments wrapped around golf courses.

Conditions here will never be confused with rush hour on I-66 in suburban Washington, but there's no denying that the wide open spaces are not as wide open as they were even a decade ago. Preserving the quality of life for future generations is a real concern. And not just in Lawrence, Kansas.

Since I retired from the Washington fray, one of my new interests involves pressing the case for population stabilization, both in this country and around the world. It's a job that can cause loss of sleep. The worst-case scenarios for overpopulation already are being played out in urban areas of the Third World, where peasants driven from the land by poverty and primogeniture flee in search of a slightly better existence. Perhaps I should be writing this from Mexico City, Dhaka, Nairobi, Rio de Janeiro, Cairo, Manila, Calcutta or Algiers. But the agony of these places has been well-documented and strikes us as uninstructive because hopeless. What do you do about a place like Algeria, where 75 percent of the population is under 25 years of age and nearly 30 percent of the work force is unemployed?

Attention should be paid, however, because the world continues to live on what former Colorado Governor Richard D. Lamm has described as "the upper slopes of some awesome logarithmic curves." Consider this: when I was born, in 1931, the world's population was 2 billion. Between 1930 and 1960, the third billion was added, despite a world war. The fourth and fifth billion were added in 14 and 13 years respectively. That takes us up to 1987. With an annual population increment of more than 90 million people a year, A.D. 2000 will be ushered in with 6 billion people on the face of the Earth.

For most of the industrial age, population increases took place in Europe and North America, where economies were expanding rapidly. Standards of living rose with population. But since 1960, more than 85 percent of the world's population growth has occurred in the poorest nations.

The Earth's resources and the number of people sharing them are on a collision course. But we avoid confronting the implacable arithmetic. We talk about the state of the Earth, all right, but people seem mysteriously absent from the discussion. It's less threatening to talk about the greenhouse effect, or ozone depletion, or air and water pollution than to address the obvious connection between such environmental problems and the rising number of people. If mankind is to find a permanent and fruitful place in the scheme of things, the notion of infinite growth in a finite world must be discarded.

There are those who keep trying to break through the denial mechanism. I think of Robert McNamara, former president of the World Bank. He

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warned in a speech in December that the world's population could triple in 100 years (to 15 billion) and wipe out all the 20th century's social advances. He proposes an $8-billion-a-year global birth control program, an expensive and politically inconvenient solution that has only the nurturing of the human condition to recommend it. Chances are your hometown newspaper didn't carry an account of his address.

Common sense (and many biologists) tell us there is a limit to how many people the Earth can sustain, though no one knows yet what the upper limit is. We won't know until it is too late. And subsistence is no longer enough. The expected standard of living incorporates such amenities as varied diet, plenty of water, decent housing, good schools, access to health care, clean air and aesthetically pleasing surroundings. To describe the neo-Malthusian realities of a world where runaway population presses on resources of all kinds, we need to think in terms of "carrying capacity." This refers to the number of individuals who can be supported in a given place without degrading the physical, ecological, cultural and social environment over the long term.

"Human populations that have exceeded the carrying capacity of their place are restive, on the move.... Democracies...are ill-equipped to deal with the logarithmic realities of such migrations."

For my forebears, life was much simpler. They migrated to Kansas from Virginia in the 1850s, attracted by cheap land in the Great American Desert that turned out to be bounteous when put to the plow. The trip west involved a raft on the Ohio River and ox-drawn wagons. There was even room for a pet bear, Cuff. Upon arrival in Brown County in northeast Kansas, a stone barn was built, with slits in the walls to hold off any marauding Indians. The weather willing (which often it was not), a man could provide for a sizable family by working 80 acres.

Today, that ancestral land is still productive, but not without the heavy use of pesticides and fertilizers that have thinned and hardened the soil. By one measure, one-eighth of an inch of topsoil hereabouts is lost to wind and water every year. Around the world, too, deforestation, erosion and overuse of tillable land raise the spectre of ecological and human disaster not far down the road. Technological progress is a wondrous thing, but it is confronting unprecedented growth in population that makes solutions seem chimerical.

My files bulge with the telling facts of overpopulation: The U.N. Population Fund estimates that 560 million people are living in absolute poverty. China is said to have 100 million jobless peasants. In Bangladesh, 118 million people live in a country the size of Wisconsin. Population pressures there oblige people to live on any clump of land that rises above the sea; the risk of drowning is preferable to the reality of starving. Such are the necessities of overpopulation. Egypt has 55 million people and is adding another 1 million every nine months; half of its food is imported. Street urchins, a symptom of the social fabric unraveling, are a common sight in the world's poorest cities and are hunted like rabbits by paramilitary death squads. And so on.

Human populations that have exceeded the carrying capacity of their place and time are restive, on the move. An immigration crisis confronts Western Europe and has turned into a major political issue. Thousands of desperate and impoverished Albanians board ships and are turned back at Italian ports. Vietnamese boat people are jammed onto an island off Hong Kong awaiting forcible return home. Thousands of Haitians fleeing disorder and economic chaos are picked up by U.S. Coast Guard vessels and transported to Guantanamo Bay to await final disposition. Hundreds of Mexicans and other peoples slip across the border into the United States every night, a stream that cumulatively has put at risk the health, education and welfare services of California, the nation's richest and most populous state.

Democracies, especially those like the United States, that fashion themselves as built on liberal immigration policies, are ill-equipped to deal with the logarithmic realities of such migrations. Fringe candidates and hate groups enter the vacuum in public discourse, scaring off mainstream reformers who would rather let things go on as they are than be smeared by the same brush.

But the warnings are ignored at our peril. Many

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who labor in this field believe that the 1990s present the last opportunity to control human population growth. The task is made harder by the studied indifference of a U.S. president who has refused to support resumption of financial aid for the U.N. Population Fund. Unless we develop some sense of urgency, I fear that in the lifetime of my grandchildren exponential growth of human numbers will overwhelm the resources and infrastructures of civilization built up in the whole course of human history.

As citizens we need to ask questions of our elected representatives that go to the heart of the matter. Why are they failing to tie U.S. foreign aid to progress in controlling population in Third World nations? Why have they allowed the bitter debate over domestic abortion policy to cripple rational family-planning programs for nations with demonstrably ruinous population increases? Why do they persist in enacting ever more liberal immigration laws that allow nations, heedless of their growing numbers, to use the United States as a safety valve for excess people?

In the end, it is up to us to demand that this crisis be brought front and center on the political stage. Election year 1992 provides a fleeting moment to push for the start of a dialogue on the future of mankind on an overcrowded planet.

Outside my double-paned window, cold winds howl off the plains. The temptation is strong to light a fire and settle down with a good murder mystery. Yet it is certain that Lawrence, Kansas will not long remain a hidey-hole from the convulsion in human behavior that will grow as population escalates. I think about the eagles that soon will return to nearby Lake Clinton for the nesting season. How many more years before the imbalance between population and environment drives away these last symbols of the Wild West? Why are we waiting so long before facing up to an issue of sheer survival?

Sincerely,

(s) William B. Dickinson

Do Ethnic Rights Differ from Human Rights?

As recent developments unmistakably demonstrate, in multi-ethnic countries the notions of ethnic rights invariably precedes the notion of human rights. In many instances, the different peoples from Yugoslavia perceive the "democratization" of the component nations of Yugoslavia as more important than the democratization of Yugoslavia as a single unit. In fact, the demand for the democratization of Yugoslavia, which has found many supporters among virtually all Yugoslavs and many liberal foreign well-wishers, has also led to increased ethnic retrenchment of each peoples, with an inevitable outcome: ethnic strife, xenophobia and the concomitant psychology of "us *vs* them." Undoubtedly, the example of Yugoslavia could be used in observing similar ethnic disruptions that are likely to occur in South Africa, India or *tomorrow's California* [Emphasis in the original].

— Dr. Tomislav Sunic teaches Comparative Politics at California State University at Fullerton. This paragraph is taken from his article for Volume One, No. 3 of *The Conservative Review*, May 1990, "The Fallacy of the Multi-ethnic State: The Case of Yugoslavia.

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Migration issues are coming to the fore as evidenced by the publication, in their May 1992 issue, of this letter to the editor of the Atlantic, *written by the publisher of* The Social Contract. *In connection with Dr. Tanton's debunking of the idea that all opposition to immigration is xenophobic, see Roy Beck's article on this topic beginning on page 144 of this journal.*

A RATIONAL APPREHENSION

By John Tanton

I read Phillip E. Johnson's "The Extinction of Darwinism" and Alexander Stille's "Italy: No Blacks Need Apply" [*Atlantic*, April 1992] like a pair of simultaneous equations — the type we used to solve back in high school algebra. I assume that Stille didn't have a chance to read Johnson's article before writing his: it would have answered some of the questions that obviously confuse him.

Conflict between locals and newcomers in places like Italy isn't about fears or phobias (like xenophobia) or isms (like racism); it's about competition for living space and resources. It's also about the reproductive success that Johnson says is at the heart of natural selection and evolution.

On the first point, Italy has a population concentration of about 500 people per square mile, considering its entire land area. We should, however, subtract from the calculation the lands not open to human habitation. These include forests, orchards, and fields needed for production; urban watersheds; waste disposal sites; roads, parking lots and public buildings; and inhospitable sites like steep mountain slopes and wetlands. With this reduction in the denominator of the people/space fraction, the concentration is substantially higher than 500 per square mile. Italy is a *densely* populated country.

"...much of the pressure behind international migration comes from rapidly expanding populations of the source countries."

It is also not overendowed with resources, and many of the resources it has have been depleted by more that 2,000 years of use. Doubtless, the average citizen already feels intraspecific competition for space and resources, and naturally, in the interests of maintaining personal standards of living, and even of survival, resists the competition for these basics which additional numbers will bring. If, in addition, the newcomers further disrupt the equilibrium by bringing in new cultures, religions, languages, races, and ethnic groups, the resistance is naturally heightened.

Concerning the second point, on reproductive success and survival: much of the pressure behind international migration comes from rapidly expanding populations of the source countries. The target developed nations have low birth rates and stabilizing populations; some of these will eventually even contract back to mid-twentieth century population levels.

From an evolutionary perspective, the populations of the developed countries are not as "successful" in a reproductive sense as are those in the less-developed countries. That their lower fertility is a matter of choice and other factors doesn't alter the mathematics. They are being selected against in the great reproductive sweepstakes and will gradually be replaced (become extinct, in Johnson's and Darwin's term) *unless* they control entry into their living space. It's that simple. The alternative — that the developed countries engage in a reproductive race with the less-developed ones — is not really open, given many social, cultural, economic, and environmental factors.

The same phenomenon can be seen in California, where the majority population of the 1950s is headed for minority status and, if not extinction, marginality. This will take place in a very short time (on an evolutionary scale) — a hundred years or so. Fortuitously, Leon Bouvier's book detailing these forces and changes is advertised on page 101 of your February issue. Stille would have benefitted from reading it; some of your readers may find it of interest. They may also be interested in Negative Population Growth's ad on page 85.

Displacement — or at the extreme, extinction — is properly resisted by all organisms, mankind and its subdivisions not excepted. Extinction is the fate

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awaiting any low-fertility species that doesn't secure its territory from encroachment.

"Where will employment for this army of new job seekers be found? Even if they wanted to — which they don't — the developed countries couldn't accept more than a tiny fraction of the growth..."

A final point: severe though the current migration pressures may be, they are but a taste of what's to come. The *net* increase in the work force in the less-developed countries from 1990 to 2010 will be about 800 million. I state this in positive terms because it is not a guesstimate. All the people who will enter the work force at age sixteen by 2008 are already born and countable. For reference, the current combined work force for the twelve EEC countries, the United States, Canada and Japan is only about 550 million. In many of the source countries, where 90 percent of world population growth takes place, unemployment and underemployment already approach 50 percent.

Where will employment for this army of new job seekers be found? Even if they wanted to — which they don't — the developed countries couldn't accept more than a tiny fraction of the growth without being swamped, in economic, social, cultural, linguistic, ethnic, and even religious terms. Any attempt to admit people on the scale needed to make even a dent in the problem would lead to a social explosion of unprecedented proportions, as the current situation in Italy suggests. People are going to have to bloom where they are planted. If there are too many people, we'll have to find ways to reduce our numbers.

The control of international migration will soon emerge as one of the top issues around the world. Given the near impossibility of sharply reducing birth rates in the short term, the years after 2010 will be worse yet. ■

A Problem Shared with Other Nations

Finally the relationships between standard of living and population must be brought into line with the carrying capacity of the environment of the country in order to prevent a deterioration of the environment and prevent overwhelming the capacity of nature to renew itself. Otherwise, population must decrease. Sustainability requires that throughput must be limited to a level which is at least within the carrying capacity. *Refugee and immigration policy should become part of the environmental debate, whether it is national or international.* Any added population that cannot be sustained by the natural resources of a given local ecology can be considered an over-population because it exists on renewable and non-renewable resources imported from abroad. *A state of such "over-population" cannot exist everywhere because of the total world-wide consequences.* [Emphasis in the original.]

— from *Towards an Inquiry into the Carrying Capacity of Nations* by Gonzague Pillet, a report to the Coordinator for International Refugee Policy, Sept. 1991, 30 pages. Available from: Federal Department of Foreign Affairs, CH 3003, Berne, SWITZERLAND.

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Charley Reese is a columnist with The Orlando Sentinel *who argues for a five-year "moratorium" on further immigration so that the U.S. can concentrate on problems that are now being exacerbated by the influx of people.*

IMMIGRATION HURTS US ALL

by Charley Reese

A few years ago, after 12 years of dilly-dallying around, Congress passed what is euphemistically called the Immigration Reform and Control Act. To get sanctions against employers who hire illegal aliens, the sponsors had to trade granting amnesty to illegal aliens.

This shouldn't have been done. Amnesty rewards people for breaking our laws. It also set up even more immigration based on family connections. Nevertheless, it was done and the sanctions have worked in keeping down illegal immigration.

Now Sen. Orrin Hatch, R-Utah, and Sen. Edward Kennedy, D-Mass., have introduced a bill to repeal the employer sanctions. They claim that employers are discriminating against Hispanics, which is bunk.

The only evidence they can cite is a General Accounting Office report claiming discrimination which was challenged at the time by the GAO's own top expert on methodology. She said there was no cause and effect relationship between the sanctions and the discrimination.

As H. Ross Perot has stated bluntly, the nation is at risk and these boneheads in Washington are playing special interest games. Congress ought, in fact, to declare a five-year moratorium on all immigration and provide the manpower to the U.S. Border Patrol to stop the remaining illegal immigration.

Illegal immigrants, one congressman estimates, cost U.S. taxpayers $5.4 billion annually, and that's only 5.4 of the nearly 300 billion we don't have but are spending anyway.

No nation on this earth is as casual about its borders as the U.S., and no nation on this earth takes in or has taken in the numbers of immigrants we have.

That's because most nations have at least semi-sensible governments instead of a gaggle of career politicians who play money politics with the destiny of the country.

We have a big unemployment problem. We have a recession or the early stages of a depression. We have environmental stress. We have homeless people. We have a record number drawing food stamps. We have health care costs caroming out of control. We have 34 states in financial trouble. We have a federal deficit and a federal debt out of control. We have crime and drugs out of control. We have stresses on our educational system and on our court system.

All of these problems are aggravated by immigration, legal or illegal, which is adding the equivalent of one new major metropolitan area of nearly a million people per year.

Yet, rather than addressing the problems, people like Hatch and Kennedy wish to aggravate them. Congress has even passed a law making it easier for corporations to recruit foreign engineers even as American college graduates all over this country go from the graduation ceremony to the unemployment lines or to jobs below their training and education.

It is frustrating to describe the continuing misfeasance and malfeasance of politicians which is causing so much pain and hardship to the American people. My own emotions have gone beyond wanting to vote them all out of office. That's the nicest thing I think they deserve.

Well, get out your pen and write your overpaid representatives and senators and tell them you want to keep the sanctions on employers, you want a fraud-proof alien card, and you want sufficient funds and personnel to police the borders.

It's beyond me how Congress can vote to send American youth to protect Kuwait's borders but refuses to appropriate sufficient funds to protect U.S. borders.

I have often argued it is not an America first policy we need, but an America at last policy. It's time to clean up our own affairs. ■

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The statements of such open-border advocates as Julian Simon need to be challenged. Michael Teitelbaum is a demographer with the Sloan Institute and was a member of the U.S. Commission for the Study of International Migration and Cooperative Economic Development. This opinion piece is reprinted with permission from the October 18, 1990 edition of The Journal of Commerce.

NEW POLEMICS ON IMMIGRATION

By Michael S. Teitelbaum

Every public opinion poll shows that large increases in immigration are opposed by exceptionally large majorities of Americans.

Nonetheless, the House of Representatives last month (October 1990) passed legislation, now in conference with the Senate, that would greatly increase immigration. Its backers range from the traditional ethnic activists, who can be counted upon to support increased immigration of the groups they claim to represent, to New Right (or 'Libertarian') think tanks promoting the writings of Julian Simon, a controversial Maryland business professor known principally for his ideological zeal.

Mr. Simon has asserted blithely — but thoroughly incorrectly — that "an unassailable body of recent economic research proves that we are made richer by allowing people to enter freely." He has found an ally in the notoriously ideological editorial page of *The Wall Street Journal*, which advocates 'open borders.'

"...even those of us who support generous immigrant and refugee admissions must admit with dismay that some immigrants and refugees have played leading roles in the destructive rise of the drug trade and violent crime..."

No balanced reader of the considerable literature on immigration would draw such reckless conclusions. The evidence is very much more mixed than the advocates would like their readers to know.

In economic terms, the impact of immigration depends heavily upon the economic situation into which the immigrants enter. The Turkish 'guest workers' imported into West Germany during the booming 1960s made positive economic contributions during that period, but those who stayed on or entered later have not, and now pose troubling social and political problems for German society.

Immigrants to the United States during the 1960s and 1970s did reasonably well, in terms of both economic well-being and modest dependence on the welfare system. But the much larger numbers of immigrants entering the more complex economic circumstances of the 1980s have not prospered, and welfare dependence has increased. Moreover, some nationalities fare well as U.S. immigrants, while others suffer, for reasons no one really understands.

While the advocates assert that there are (or soon will be) significant 'labor shortages,' labor economists overwhelmingly reject such claims. They point not to overall 'shortages' of workers but to mismatches between the skills needed by some growing occupations and the outputs of the troubled U.S. education system, coupled with unwillingness by some employers to offer market wages and benefits to would-be American employees.

Most immigrants and refugees are law-abiding and hardworking, as the advocates emphasize. But even those of us who support generous immigrant and refugee admissions must admit with dismay that some immigrants and refugees have played leading roles in the destructive rise of the drug trade and violent crime in cities such as New York, Washington, Miami and Los Angeles.

Some Americans benefit economically from large-scale immigration — the 'positive' emphasized by the advocates. But others certainly lose, especially minorities and women, particularly those in occupations with many immigrants.

In demographic terms, the advocates' campaign is equally distorted and one-sided. Their argument that immigration is "low rather than high relative to historic rates" is correct so far as it goes, but it deliberately neglects to add that this comparison

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applies only to a brief period before World War I, when immigration numbers were completely unlimited.

Similarly, the advocates emphasize that the percentage of foreign-born in the United States is lower than it was earlier in this century, but neglect to mention the equally true fact that immigration today accounts for a higher percentage of U.S. population increase — at least 30 percent nationwide, and much more in urban areas — than it has since perhaps colonial times.

"No sovereignty is possible for a nation with 'open borders.'"

The advocates claim that increasing immigration can keep the United States from aging demographically. That assertion is simply wrong, unless immigrant visas are restricted to children. Promoting immigration as a source of new tax revenue to finance pensions and elderly health care ignores the reality that the immigrants, too, will age, and will have to be supported in their turn by younger generations of taxpayers.

These omissions and errors do not result from simple ignorance or inadvertence. They have been pointed out over many years. Yet the advocates of large immigration increases continue to repeat them forcefully, with no apparent embarrassment.

The views being espoused by the libertarian right and ethnic interest groups have nothing whatever to do with mainstream conservative or liberal principles, values or interests. It is a fascinating irony that these ostensibly 'conservative' arguments echo mainly the writings of radicals such as Karl Marx, utopians, and assorted anarchists opposed to the sovereignty of the nation-state.

No sovereignty is possible for a nation with 'open borders.' If Kuwait had followed such advice over the past decade, there would have been no need for an Iraqi invasion, as Kuwait would have been overwhelmed long ago by immigrants from its largest neighbor.

In my experience, most members of Congress are neither as naive nor as ignorant about such matters as the advocates apparently believe. Whether conservative or liberal, Democrat or Republican, most understand that a generous but balanced immigration policy can be a force for good, but that an excessive policy based upon flawed premises — such as those behind the House bill — will almost certainly produce deeply divisive problems.

A century ago, Mark Twain penned the most penetrating admonition for immigration advocates of today: "When in doubt, tell the truth." ■

In Our Next Issue

For the summer 1992 issue of *The Social Contract* our guest editor will be a member of the Editorial Advisory Board, David Simcox, Executive Director of the Center for Immigration Studies. He and his invited contributors will examine the results, and the lack of result, from the report of the Commission on Population Growth and the American Future. Known as the Rockefeller Commission, its report was made exactly twenty years ago in 1972.

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Richard D. Lamm served as governor of Colorado for 12 years, following 8 years in the Colorado state legislature. Currently he directs the Center for Public Policy and Contemporary Issues at the University of Denver. *This essay is reprinted with permission from* Chronicles, *October 1991, Vol. 15, No. 10.*

THE NEW WEALTH OF NATIONS

By Richard D. Lamm

I have just returned from a trip around the world; a trip where, among other things, I explored why certain nations succeed brilliantly and other nations stumble along in poverty with marginal economies.

In previous travels to South America, I accepted the standard south-of-the-border excuse that its poverty and problems were caused by "Yankee Imperialism." It sounded logical and was reinforced by my (then) orthodox liberalism that had to find "victims" and "oppressors." "Poor Mexico — so close to the United States, so far from God," spoke for all of South America.

I also assumed that this complaint was too universal, too passionate, not to contain truth. Likewise, Africans have for all essential purposes a single excuse for their poverty: colonialism. They would have been successful countries but for European domination. All of this was reinforced in my mind and theirs by the US academic community. The "dependency theory" is the standard academic explanation and teaches that many of the developing countries are being held back and oppressed by the developed countries, and that *their* poverty can be largely explained by *our* wealth.

But time and experience made me at first skeptical, then antagonistic, to these explanations. I was greatly influenced by reading Larry Harrison's powerful book, *Underdevelopment Is a State of Mind*, where he brilliantly compares Argentina with Australia, Haiti with Barbados, and Nicaragua with Costa Rica. He postulates that failure is "home-grown." Essentially updating Max Weber's *The Protestant Ethic and the Spirit of Capitalism*, Harrison shows how culture can "either facilitate or get in the way of development." He went to Latin America with the U.S. Agency for International Development (AID) and acknowledges that economic development is a mix of many factors, but his thesis is that the single most important one — culture — is rarely discussed. I made his thesis my travel companion on a recent visit to Latin America, Africa, India and Asia, and found it immensely useful in explaining various levels of economic success and failure in those areas.

A new equation is slowly emerging that helps explain the wealth of nations: a theory that emphasizes culture and values. Classic economic development theory looked at many factors in examining national power, but emphasized the presence of natural resources. A country without iron ore, coal, oil, or other substantial natural resources could not become a modern economic power. A dated but classic economic study on Italy showed that while Rome once ruled the globe, in the modern economic world Italy did not have sufficient natural resources to become a major industrial power. By extension (though not covered in the study) Japan, Taiwan, and Hong Kong could never become major economic players. Wealth, when it was not plundered from someone else, was homegrown and created out of indigenous natural resources.

But Japan, South Korea, Taiwan and Hong Kong (and others) have shown us that it is the human resources that play the greatest role in economic development — not the natural resources. Nations poor in natural resources can substitute human resources for coal and iron ore and still become wealthy and prosperous. Renewable human skills are more important than the one-time inheritance of natural resources.

These new industrial models often import raw materials thousands of miles across oceans, turn them into goods and products and ship them back to the source of the natural resources where they are sold at a profit. "Adding value" to natural resources is much more profitable than producing the natural resources in the first place.

This new equation does not argue that human resources are everything. Obviously a collectivist

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system or totalitarian government can squelch even a skilled and motivated work force. North Korea's poverty flows from a flawed economic and political system — change those factors and I suggest North Korea will do well. East Germany differed from West Germany because of a dysfunctional political and economic system. But note that even communism could not completely suppress German industriousness. East Germany had the most prosperous economy in the Eastern Bloc. China and Taiwan share the same cultural traits, but China is governed by a flawed economic and political concept that prevents it from duplicating Taiwan's success.

A handful of countries have such rich treasures of natural resources that they are wealthy by inheritance. Saudi Arabia, Kuwait, and United Arab Emirates did not earn or create their wealth. They inherited it. Their experience has little applicability elsewhere.

"Economic development does not take place in a vacuum. Human beings are creatures whose behavior is molded by culture, customs, and the institutions built by the culture into which they are born."

In the non-totalitarian world, I suggest, Larry Harrison has correctly articulated the underdiscussed and underrated factors in determining the success of nations: culture, values, and attitudes. He is not alone. James Fallows in his book, *More Like Us*, observes: "In the long run habits, values, and the behavior of ordinary people determine national strength." Senator Patrick Moynihan similarly states that "The central conservative truth is that it is culture, not politics, that determines the success of a society." The more I observe the world, the more these words make sense to me.

How do I use the word "culture"? Let us use George Stuart's definition in *People and Places of the Past* (1983) where he defines culture as "the learned patterns of behavior that dictate how people organize themselves, what they believe, and the ways they make and do things." Or better, perhaps, is the classic definition of Sir Edward Burnett Tylor, the founder of modern anthropology: "Culture... is that complex whole which includes knowledge, belief, art, morals, law, custom, and any other capabilities and habits acquired by man as a member of society." Culture is the "learned' behavior that we acquire as a member of a society.

Economic development does not take place in a vacuum. Human beings are creatures whose behavior is molded by culture, customs, and the institutions built by the culture into which they are born. "We build our buildings," said Winston Churchill, "then they build us." Exactly! "The mold which gives individual action a collective aspect are the working rules or culture."

This, then, is my thesis: those cultures which stress education, delayed gratification, a work ethic, the acquisition of skills, etc. have an incredible advantage over those which do not. Those countries and cultures which have built institutions that recognize merit for advancement (what you know rather than who you know), political stability, and which instill in their people a desire for education and self-betterment are the countries that have succeeded in the new international marketplace. Success and performance are closely linked to attitudes and values. Understand the difference in attitudes and values and you will much better understand the difference in performance.

Culture is difficult to discuss in academic circles because it offends the liberal orthodoxy. Attacking a people's culture is thought to be as bad as attacking their race. We buy into "cultural relativism" in which all cultures are assumed to be equal. I suggest that all cultures deserve respect and understanding, but they are not all equal. It is not doing Africa a favor to reinforce the concept that the legacy of colonialism is holding it back. It is internal forces that the Africans must correct — not external factors. Tribalism in Africa better explains Africa's dilemma than colonialism, though the roots of poverty and wealth are multidimensional. But we do a grave injustice to our friends when we reinforce their excuses. Nations, like individuals, love to blame others for their faults. It's a human response. I believe, however, that nations in trouble will not get better until they admit the real nature of their problems and take responsibility for their own weaknesses.

Some will say I dramatically understate the negative effects of colonialism. Perhaps. Schopen-

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hauer wisely observed: "Every man confuses the limits of his mind for the limits of the world." But common sense tells me that colonialism is more of an excuse than an explanation. It excuses much; it explains little. If colonialism is to be blamed for most of Africa's ills, we should observe a similar impact wherever colonialism has put down roots. If colonialism is a "dependent variable," then it must leave its nasty legacy wherever it has existed. Yet many countries have treated colonialism as a hurdle — not a barrier. They made use of the advantages of colonialism and were not defeated by the negatives.

European colonialism in Africa interrupted and disrupted traditional African societies; it exploited and divided tribes. In certain cases, like Portugal and Belgium, the colonizing countries were particularly brutal and cruel to the local people. Nowhere was colonialism without its abuses. On the other hand, colonialism also left Africa with incredible assets like better health, education, literacy, infrastructure, and whole economies that were developed by the colonialists and passed on to the newly independent nations. European colonialism in Africa nowhere was as harsh as Japanese and Chinese colonialism was in Korea — in Africa it lasted 60 years; in Korea, hundreds of years. Yet South Korea left colonialism behind and has prospered.

"Colonialism . . . is not the dependent variable that influences the success or failure of countries. . . . Increasingly Africans are rejecting the excuse of colonialism."

Korea's per capita GNP on 1961 stood at $82 (U.S.) — near the bottom of the international income scale. "It had all the problems of a resource-poor, low income, developing country with the bulk of its population dependent on scarce farmland for bare subsistence," according to one standard guide book. Today Korea is universally recognized as an economic miracle. Why? Some say because the United States gave foreign aid. That's true, but it is of small importance. Korea's success is widely written about. Nowhere do I detect but passing mention of foreign aid being a principal or even an important factor. South Korea created its wealth; it helped itself far more than it was helped by others.

Africa has actually received far more foreign aid than Korea (in total dollars, not per capita), but Africa has little to show for it. Between 1960 and 1986, $166 billion was given to sub-Saharan Africa. But, as African writer Hilary Ng Wengo states in *Plundered Eden:*

> [Leaders in Africa] *mismanaged economies, squandered national wealth and literally threw away the future of their people as they jostled with one another for personal power and gain.*

Korea, on the other hand, leaped out of colonialism. What was its secret? Observers generally state the high rate of literacy; the motivation of the people and their ability to save, delay gratification, and build for the future.

Similar stories abound on other colonies and former colonies. Hong Kong is *still* a colony, and yet it produces more wealth than Zaire, Zimbabwe, Zambia, Malawi, Tanzania, Angola, Mozambique, and Botswana combined — despite the fact that Hong Kong has no natural resources and the above-named African countries are generally rich in them. Hong Kong does have a culture that stresses hard work, skills, and motivation. Singapore is a former British colony (like Kenya), and it had a colonial government longer than any in Africa. Today it is one of the most prosperous countries in the world. Singapore took what the British had left and added it to a rich culture that stressed education, and achieved meteoric success. Barbados is a former British colony peopled by the descendants of slaves who were uprooted from Africa and brought under unspeakable conditions to the New World. Yet 257,000 Barbados citizens create more wealth on 166 square miles than "Free and Independent" Liberia does with ten times as many people and no legacy of colonialism. Barbados adopted British culture and values.

Colonialism, therefore, is not the dependent variable that influences the success or failure of countries. It has not held back societies and cultures that had the ability and willingness to overcome the negatives and accent the positives. This is not to justify colonialism, only to accept it as a historical fact and seek to evaluate its consequences. Colonialism happened. The question that must be

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asked is: are these countries better or worse off because of the colonial experience? Does it do much to explain Kenya's (and Africa's) current problems? I am very skeptical. It may have had a larger impact on Mozambique and Zaire because they had more brutal experience with it, but I doubt that it explains anywhere near as much as its proponents claim.

"The values and attitudes that people bring to a particular experience are of overwhelming importance. The same experience that defeats one group, inspires another to success."

Better a brutal truth than a well-meaning lie. We must, above all, be honest and candid in our evaluations. Increasingly Africans are rejecting the excuse of colonialism. Ali Mazrui in his book *Cultural Forces in World Politics* argues that African culture has taken the wrong things from the West:

> *We borrowed the profit motive, but not the entrepreneurial spirit. We borrowed the acquisitive appetites of capitalism, but not the creative risk-taking. We are at home with Western gadgets, but are bewildered by Western workshops. We wear the wristwatches, but refuse to watch* [them] *for the culture of punctuality. We have learned to parade in display, but not to drill in discipline. The West's consumption patterns have arrived, but not necessarily the West's technique of production.*

We owe our international neighbors our honest diagnosis. I believe that in the noncommunist world most countries have their present and future in their own hands, and have mostly themselves to blame for their deficiencies. South America is not poor because the United States is exploiting it (though we clearly have done that to some extent); it is poor because the people have what James Fallows calls a "damaged culture." Tough words, I admit, but confirmed by the South Americans themselves. Carlos Rangel, a Venezuelan journalist, states:

> *It was Latin America's destiny to be colonized by a country that, though admirable in many ways, was at the time beginning to reject the emerging spirit of modernism, and to build walls against the rise of rationalism, empiricism, and free thought — that is to say, against the very basis of the modern industrial and liberal revolution, and of capitalist economic development.*

Rangel blames, not colonialism but, "antisocial individualism, an aversion to work, and an affinity for violence and authoritarianism."

The principal variable that separates the success of Hong Kong and Taiwan from the poverty of Brazil and Kenya is culture. The values and attitudes that people bring to a particular experience are of overwhelming importance. The same experience that defeats one group, inspires another to success. If your religion (your culture) teaches that if you rise above your caste you risk your soul and your status in your next life, your society will have less social mobility. You may well find more peace in such a society, and you likely will develop fewer ulcers, but it is counterproductive to what the developed world thinks of as human progress. It limits not only wealth and motivation, but individual creative capacity, literacy rates, and life expectancy. It is hard to write off these social accomplishments as merely "Western materialism." Good health, low infant mortality, the ability to reach one's potential and to advance one's talents seem to become more important to all advanced societies.

We are all God's children, and every person and every culture deserves understanding and respect. But, as we search for why some have a high standard of living and others a low one, we must not avoid the examination of the cultural differences between societies. For when we ask why some countries and some people live in poverty and squalor, we must, with Shakespeare observe: "The fault, dear Brutus, lies not in the stars but in ourselves." ■

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We have devoted considerable space in the recent past to discussions of "political correctness" and the revision of history. This statement by Albert Shanker, President of the American Federation of Teachers, appeared as an advertisement in The New Republic *explaining the position of that organization, especially in light of a public opinion poll commissioned by the New York State United Teachers.*

DON'T STOP TEACHING THE COMMON HERITAGE

By Albert Shanker

Last year, around Thanksgiving, a disturbing letter appeared in the New York Times. A father reported that, in preparation for celebrating an "international" Thanksgiving, each child in his son's pre-kindergarten class was told to select a flag identifying his national origin. The letter writer's little boy had to decide whether he wanted a flag representing his English, Scottish, Irish, German or Jewish ancestry. The American flag was not one of the choices until some parents complained — too late for this man's kid to choose it.

But the man wasn't writing about his son's disappointment. What bothered him was the lesson all of this was teaching the kids about their identity: "On one of this country's truly national holidays, they are encouraged to think of themselves as anything but American...What is being challenged here is the whole idea that there is an America — that people of different races, creeds and national origins can be united as one nation."

Is the belief in a common heritage disappearing in the U.S.? Do people in various ethnic groups think public schools should forget about fostering pride in American values and achievements and, instead, teach kids only about the values and achievements of their own groups? That's the message this father got, and it's the one you'd get if you listened to the comments of leaders from various ethnic groups — and to some well-intentioned educators, like Thomas Sobol, New York State's commissioner of education. These people think they're being responsive to the wishes of their constituents. Now, the results of a public opinion poll commissioned by the New York State United Teachers tell us that scrapping the common heritage in favor of separate histories of separate groups isn't what ordinary citizens want at all.

Three-quarters of the New York staters who responded to the NYSUT poll considered teaching "the common heritage and values that we share as Americans" to be "very important." And when you break down responses by ethnic groups, it turns out that many more African-Americans and Hispanics believe it's "very important" to teach the common heritage than Whites. The numbers are 70 percent of Whites and a whopping 89 percent of African-Americans and 88 percent of Hispanics.

But respondents to the NYSUT poll were not talking about going back to the old way of teaching history, when we ignored the contributions of minority ethnic and racial groups to American history and society. Eight-nine percent believed that public schools should teach "both the traditional events of American history and the contributions and experiences of America's ethnic and racial populations." And there was strong agreement across groups on this point: 88 percent of the Whites, 91 percent of the African-Americans and 92 percent of the Hispanics polled believed that both should be taught.

What about the self-esteem factor? Would students who are achieving poorly do better if they were taught about their ethnic heritage? Most respondents to the NYSUT poll did not believe this was the primary cause for poor student achievement. Only 6 percent overall (and 12 percent of African-Americans) put failure to teach students about their ethnic heritage at the top of the list. The most-cited reason was crime and drugs in the neighborhood (41 percent), followed by neighborhood poverty (24 percent). Even inadequate school funding came above "not knowing enough about their heritage" as the chief cause for poor achievement. Furthermore, the majority of people did not believe that schools

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had the primary responsibility for building ethnic and racial pride in kids: 92 percent overall — including 88 percent of African-Americans and 85 percent of Hispanics — said that was the job of the family.

Should we be surprised that African-Americans and Hispanics believe, even more than Whites, that children should learn about America's common heritage in public school? Or that a big majority still believes it is the family's responsibility to instill ethnic and racial pride in children? These responses may be surprising in the light of things we hear from some community leaders, but they are consistent with our past practices and beliefs.

Members of minority groups in this country have always believed, correctly, that their children's path to success lay in learning the common culture and that the public schools were responsible for teaching that culture. It was the job of families and churches to make sure kids understood and valued their ethnic and racial heritage.

This is not merely an American pattern. A study of immigrant children in French elementary schools, for instance, shows that 80 percent rejected the special classes offered in their own languages, largely because they did not wish to be stigmatized or placed at a disadvantage by having an education different from other French children. And they were right. Foreign-born children who got a French education from the beginning achieved at slightly higher levels than French children from the same socio-economic groups.

We hear a lot of separatist rhetoric these days. The NYSUT study offers heartening evidence that those who supposedly speak for a community are not always the voice of the people. We should pay attention. It would be tragic to intensify divisions in our society with separatist curriculums when most people still want children to learn about our common heritage. ■

[*For more information about the poll, contact the New York State United Teachers at 159 Wolf Road, Box 15-008, Albany, NY 12212-5008.*]

A Warning Against Elevating Personal Desires into Rights

Our Federal court system is being brought into ridicule and our Constitution is being debased by persons who proclaim themselves to be its strongest supporters: civil rights advocates and attorneys purportedly working in the public interest. By attempting to elevate mere personal desires into constitutional rights and claiming denial of their civil rights whenever their desires are not realized, these persons are demeaning the essential rights and procedures that protect us all.

> — Judge Gerald L. Goettel of the Federal Court in Manhattan as he ruled against a mother who sued the Westchester school district because her son did not get into the National Honor Society.

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The courts play a central role in immigration policy, defining and refining legislative and rule-making ambiguities. The so-called "case law" that is thus established is central to the overall immigration policy process. We thought you might like to see the opinion in one such case which, had it been decided the other way, would have established a right for illegal aliens that would not be available to citizens. It's easy to see why political activists struggle over appointments to the courts.

JOSE RIVERA v. UNITED MASONRY

United States Court of Appeals
for the District of Columbia Circuit

Before: EDWARDS, WILLIAMS AND RANDOLPH, *Circuit Judges.*

Opinion for the Court filed by *Circuit Judge* WILLIAMS.

Separate concurring opinion filed by *Circuit Judge* EDWARDS.

WILLIAMS, *Circuit Judge:* Jose Rivera fell from scaffolding while in the employment of United Masonry, breaking his left arm. He received temporary total disability benefits covering the time of recovery during which he was completely incapacitated, temporary partial disability benefits covering the time of recovery during which he was partially incapacitated, and permanent partial disability benefits for the permanent impairment of his arm. See Longshore and Harbor Workers' Compensation Act, 33 U.S.C. § 901 *et seq.* (1988) (the "Act"), as extended by the District of Columbia Workmen's Compensation Act, 36 D.C. Code §§ 501 *et seq.* 1973 repealed 1980).

Rivera also claimed that the injury encompassed his left shoulder, and that the combined effect of the arm and shoulder injuries was to prevent him from working, entitling him to permanent total disability benefits. To prevail, he had the burden of proving that his injury prevented him from returning to his prior employment. If he satisfied this burden, United Masonry could avoid liability by providing proof of satisfactory alternate employment. See *Director, OWCP v. Berkstresser*, 921 F.2d 306, 311-12 (D.C. Cir. 1990); *McBride v. Eastman Kodak Co.*, 844 F.2d 797, 798 (D.C. Cir. 1988); *Crum v. General Adjustment Bureau*, 738 F.2d 474, 479 (D.C. Cir. 1984). The administrative law judge rejected Rivera's claim, disbelieving his evidence that his shoulder was injured and holding in the alternative that the employer proved that suitable alternate employment was available. The Benefits Review Board affirmed on both grounds. *Rivera v. United Masonry, Inc.*, BRB No. 88-1806 (BRB Oct. 30, 1990).

We do not address the question of whether Rivera proved that the shoulder injury disabled him from employment by United Masonry, because United Masonry plainly showed the availability of suitable alternate employment. The employer's market study revealed the existence of several employers in the area who said that they would hire someone of the age, education, work experience, and physical disability of Rivera.

Rivera argues that the market study was inadequate because employers were not asked if they would hire someone who, like Rivera, is an undocumented alien. Thus, if it were shown on remand that no one would hire such an alien, Rivera (on his view) would be unemployable and entitled to continuing total disability benefits — at least if United Masonry knew or has reason to know of Rivera's illegal status. Rivera relies heavily on *Cenvill Development Corp. v. Candelo*, 478 So.2d 1168 (Fla. App. 1 Dist. 1985), which held under Florida's workmen's compensation statute that an employer, who knew or had reason to know that an employee was an undocumented alien when it hired him, could not point to the employee's alien status to defeat his claim that his injury prevented him from finding a job.

The Act's definition of the word "disability" — "incapacity *because of injury* to earn wages which the employee was receiving at the time of the injury in the same or any other employment," 33 U.S.C. § 902(10) (emphasis added) — clearly requires a causal connection between the worker's physical injury and his or her inability to find suitable

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employment. But in construing the statutory requirement of "incapacity," courts have said that the BRB is to look beyond the worker's injury and inquire whether someone having *both* the injury and a similar background — the worker's age, education, and work experience, for example — would be unable to find work in the relevant geographical area. See *Crum*, 738 F2d at 479; *Hairston v. Todd Shipyards Corp.*, 849 F.2d 1194 (9th Cir. 1988) (criminal record is relevant part of background); *Trans-State Dredging v. Benefits Review Board*, 731 F.2d 199, 201 (4th Cir. 1984). It would hardly fulfill the statutory purpose to assume a fictional superman, capable of any task in the absence of injury. A high school drop-out whose employment prospects are ruined by an arm injury should not be denied benefits merely because an identically injured physics PhD could get a job.

The BRB declined to treat undocumented alien status as one of the elements of an employee's background that must be taken into account when determining whether the claimant is disabled because of his injury. It noted that "claimant's status as an undocumented worker will prevent him from obtaining *any* job legally." *Rivera* at 5. In the eyes of the law the injury cannot have caused any "incapacity . . . to earn . . . wages," as the employee had *no* such capacity before or after the injury. At most the injury has highlighted a pre-existing incapacity.

(We do not here address the case of an undocumented alien who has suffered such a severe injury that it would prevent employment even for a citizen of similar age, education, etc. There the injury would be a sufficient though not a necessary cause of unemployment; compare W. Prosser, The Law of Torts § 41 at 239 (1971) (citing cases finding causal link where tortious conduct and another factor were each sufficient causes of injury); here it is neither.)

Of course, it is a legal fiction that an undocumented alien cannot get any jobs; between applicant willingness to conceal, and employer inability or unwillingness to detect undocumented status, hirings occur. But there is good reason for maintaining the legal fiction. If the BRB pierced the fiction, it would presumably have to allow employers to rebut the claim of permanent total disability by proving the availability of jobs actually open to undocumented aliens. But this would be extremely burdensome to the employer. As no one freely admits hiring undocumented aliens, the employer would have to employ testers or other ruses to make its showing.

Since proof would be so difficult, many partially injured undocumented aliens who can work would receive total disability benefits — benefits that would not be available to injured, legal workers in the same position but for the legality of their status in the United States. *Id.* Moreover, employers who proved the availability of "suitable" illegal jobs would, by showing their availability, facilitate further violation of the immigration laws. We doubt that Congress could have intended such results when it restricted alien employment. See Immigration Reform and Control Act of 1986, § 101 (codified at 8 U.S.C.A. § 1546 (West Supp. 1989). If the Act's definition of "disability" does not altogether preclude the claimant's reading, it is at least ambiguous, and the BRB's reading of it is clearly reasonable. See *Chevron U.S.A. Inc. v. Natural Resources Defense Council*, 467 U.S. 837 (1984). We affirm.

* * * *

EDWARDS, *Circuit Judge*, concurring: I concur in the judgment denying the petition for review, but for reasons other than those offered in the majority opinion.

In explaining its refusal to consider Rivera's illegal alienage as a factor relevant to "disability," the Benefits Review Board did not suggest that Rivera had no capacity to work prior to the injury. (After all, he did have the capacity to work at United Masonry.) Nor was it stated that illegal aliens are in fact employable. Rather, the rationale of the Board's admittedly murky opinion seems to be this: "Claimant's illegal status should not enable him to obtain a benefit unavailable to legal, injured workers, who are of the same age with the same educational and vocational backgrounds, and who have similar work restrictions." *Rivera v. United Masonry, Inc.*, Benefits Review Board No. 88-1806, at 5 (Oct. 30, 1990). Whatever the merits of this rationale, it constitutes a reasonable interpretation of an ambiguous statute and therefore demands our deference. ■

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Here is another court opinion that bears on our concerns about maintaining a common language. The following is an excerpt from an article in the Supreme Court Review section of Trial, *August 1991 by Daniel Farber, Henry J. Fletcher Professor of Law at the University of Minnesota. We have selected the material in the Hernandez case as being most pertinent for our readership.*

PICKING THE JURY

By Daniel A. Farber

Within a one-week period, the Supreme Court decided three important cases dealing with jury selection. On May 28, the Court announced its decision in *Hernandez v. New York*, 59 U.S.L.W. 4501, which involved the use of peremptory challenges to strike bilingual potential jurors. Two days later, the decision in *Mu'Min v. Virginia*, 59 U.S.L.W. 4519, came down. upholding a rather perfunctory *voir dire* regarding the effect of pretrial publicity in a capital case. Four days after that came the decision in *Edmundson v. Leesville Concrete Co.*, 59 U.S.L.W. 4574, which broke new ground by holding that racially motivated peremptory challenges are unconstitutional even in civil cases.

Notably, Justice Kennedy contributed a thoughtful opinion in all three. The cases are important to trial lawyers, and *Edmundson* in particular may become a leading constitutional case.

Hernandez involved an application of *Batson v. Kentucky*, 476 U.S. 79 (1986), in which the Court held that a prosecutor's discriminatory use of peremptories violated the equal protection clause. In *Hernandez*, the issue was a prosecutor's use of peremptory challenges to exclude two Hispanic jurors. After the defense lawyer objected to the peremptories, the prosecutor explained that he was unsure that the two would be willing to rely on the translation of Spanish-language testimony rather than on their own understanding of the testimony.

The Court held that this was a valid justification. The plurality opinion was written by Justice Kennedy and joined by Rehnquist, Souter, and White. Justice O'Connor wrote a concurrence, which was joined by Scalia.

Kennedy's opinion said that only intentional discrimination violated the equal protection clause of the fourteenth amendment. Although Spanish-language ability is related to ethnicity, the prosecutor did not rely solely on linguistic ability, but also relied on the specific responses and demeanor of the two people in question. As to whether it was the prosecutor's true justification or merely a pretext, he said that the trial judge's determination of credibility must stand unless shown to be clearly erroneous.

Although Kennedy rejected the discrimination claim, he displayed some sensitivity to the problem of language-based discrimination:

> *Language permits an individual to express both a personal identity and membership in a community, and those who share a common language may interact in ways more intimate than those without this bond....*
>
> * * *
>
> *Just as a shared language can serve to foster community, language differences can be a source of division. Language elicits a response from others, ranging from admiration and respect, to distance and alienation, to ridicule and scorn. Reactions of the latter type all too often result from or initiate hostility.*

In his first few years on the Court, Justice Kennedy was sometimes considered to be merely an intellectual follower of Justice Scalia. Notably, in none of these three cases did he join in the same opinion as Scalia. All three of Kennedy's opinions reflect his own "quiet rationality" and commitment to impartiality and fair treatment. In the end, they may be remembered in part as marking the emergence of Justice Kennedy as a distinctive voice on the Court. ■

[This item as well as the previous one were drawn to our attention by Professor Victor Kramer who teaches legal ethics at the University of Minnesota and at George Washington University.]

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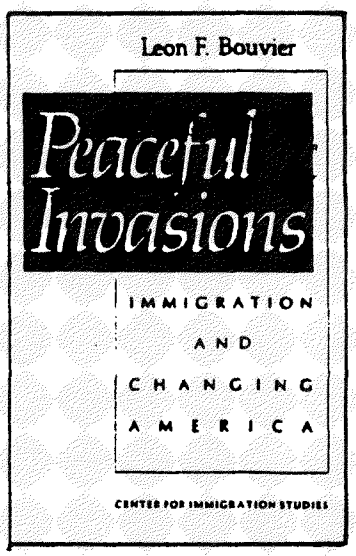
PEACEFUL INVASIONS

Immigration and Changing America

by Leon Bouvier



Pro-immigrant, but concerned about immigration trends, noted demographer Leon Bouvier finds that both America's citizens and its newcomers would best adjust to the momentous economic, demographic and environmental changes now underway if immigration were lowered.

Lee Bouvier's book brings many new insights into what is an enormous problem facing our country. One may agree or disagree with his recommendations but we cannot avoid thinking about it and understanding its widespread implications for the future of America.

— Father Theodore Hesburgh
President Emeritus, University of Notre Dame

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